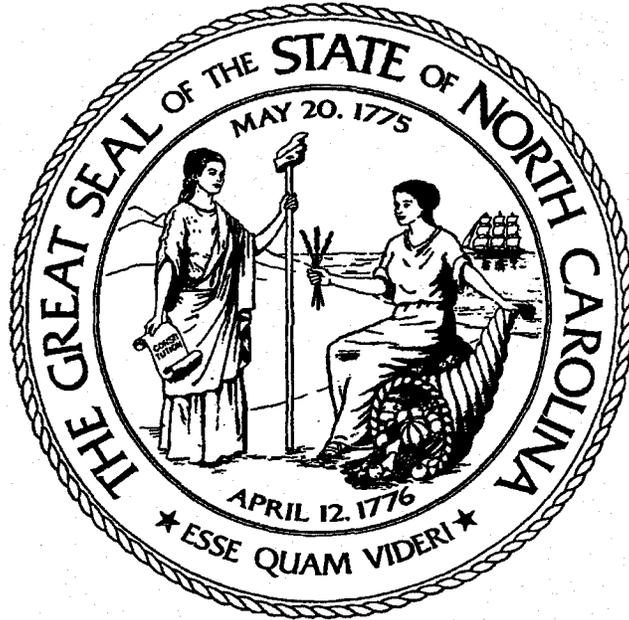


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA
Proposed Town of Archer Lodge**

July 29, 2009

REPORT TO THE GENERAL ASSEMBLY

Proposed Incorporation of the Town of Archer Lodge July 29, 2009

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The statutory criteria require a review of community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

The Commission received a petition proposing the incorporation of the Town of Archer Lodge in Buncombe County on December 4, 2008. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D).

The Commission also requested that the Division of Community Assistance evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that the proposed Town of Archer Lodge must obtain a resolution from the Town of Clayton expressly approving the incorporation of the proposed Town (Clayton is located within 3 miles of the boundaries of the proposed Town of Archer Lodge and has a population of 12,908). The proposed Town of Archer Lodge has obtained a resolution from the Town of Clayton expressly approving incorporation, and therefore the requirements of G.S. 120-166 have been met (a copy of the resolution is attached as Appendix F).

The Commission further requested that the Division of Community Assistance evaluate the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix G). The Division

conducted the evaluation and determined that all statutory requirements had been met.

Pursuant to G.S. 120-169.1, the Commission requested that the Fiscal Research Division provide data that shows the impact on other municipalities and counties of the diversion of already levied taxes or State-shared revenues to support services in the proposed Town of Archer Lodge (a copy of the report is attached as Appendix H). The data provided by the Division (based upon figures from 2007-2008) shows that sales tax revenues in Johnston County are distributed on an ad valorem basis. If the proposed Town of Archer Lodge had been incorporated at that time, it would have received approximately \$113,705 in sales tax revenues. The incorporation of Archer Lodge would have a marginal impact on the distribution of Powell Bill funds in the State and Johnston County. If incorporated in the 2007-2008 fiscal year, the proposed Town of Archer Lodge would have received an estimate of \$432,000 in total revenue, including Powell Bill funds, from State-shared revenue as long as the proposed Town had met the statutory requirements to receive these funds.

The Commission finds that the proposed Town of Archer Lodge ~~does~~ ~~does not~~ meet the standards required by Article 20 of Chapter 120 of the General Statutes, and therefore the Commission ~~does~~ ~~does not~~ recommend incorporation of the area as the Town of Archer Lodge.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
2008-2010
Membership

President Pro Tem's Appointments

Senator Fletcher Hartsell
P. O. Box 368
Concord, NC 28026-0368

Senator Charlie Dannelly
Room 2010, LB
(919) 733-5955
Dee Hodge, Legislative Assistant

Mr. Steven Raper
P. O. Box 1180
Rocky Mount, NC 27802-1180
(252) 972-1325

Staff

Gayle L. Moses, Staff Attorney
Bill Drafting Division

Oliver Bass
Dept of Commerce, Division of
Community Assistance
733-2853

Lee Nichols
Dept of Commerce, Division of
Community Assistance
733-2853

Speaker's Appointments

Representative Becky Carney
P. O. Box 32873
Charlotte, NC 28232

Representative William Wainwright
P. O. Box 941
Havelock, NC 28532

Mr. Mike Cross
Chatham County Commissioner
388 Cross Point Road
New Hill, NC 27562

Commission Assistant

Delta Prince
2125 Legislature Building
Raleigh, NC
919-733-5649

APPENDIX B

Article 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1991, c. 739, s. 17.)

§ 120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989, c. 727, s. 218(82); 1997-443, s. 11A.119(a).)

§ 120-162. Reserved for future codification purposes.

Part 2. Procedure for Incorporation Review.

§ 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 1; 2001-353, s. 6.)

§ 120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. For purposes of this section, "municipality" means a city as defined by G.S. 160A-1(2) or a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985

(Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25; 1998-150, s. 2; 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2005-35, s. 2.)

§ 120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 2.)

§ 120-168. Additional criteria; development.

The Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999-458, s. 3.)

§ 120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1), or if any of the proposed municipality is included within the boundary of a county that has exercised its authority under Article 24 of Chapter 153A of the General Statutes. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 2005-35, s. 3.)

§ 120-169.1. Additional criteria; level of development, services; financial impact on other local governments.

(a) Repealed by Session Laws 1999-458, s. 4.

(b) Services. – The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. This plan shall be based on the proposed services stated in the petition under G.S. 120-163(c).

(c) The Commission in its report shall indicate the impact on other municipalities and counties of diversion of already levied local taxes or State-shared revenues from existing local governments to support services in the proposed municipality. (1998-150, s. 3; 1999-458, s. 4.)

§ 120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings.

If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§§ 120-175 through 120-179. Reserved for future codification purposes.

**Report to the
Joint Legislative Commission
for Municipal Incorporations**

for the
Proposed Town of Archer Lodge



**Prepared and presented by the
Archer Lodge Municipal Exploratory Committee
November 2008**

Revised June 2009

REVIEW OF CRITERIA REQUIRED BY NORTH CAROLINA GENERAL STATUTE 120

Chapter 120 of the North Carolina General Statutes, Article 20 establishes certain criteria for review by the Joint Legislative Commission on Municipal Incorporations. For clarity, each section of the statute will be addressed in summary format with supporting documentation referenced:

Part 2. Procedure for Incorporation Review

Statute § 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation. The voter shall sign the petition and also clearly print that voter's name adjacent to the signature. The petition must also contain the voter's residence address and date of birth.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt. That period of 15 working days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the county board of elections.

Proposed Town of Archer Lodge: More than fifteen percent (15%) of the registered voters of the area proposed to be incorporated has signed the petition. One thousand sixty-seven (1,067) or 36% of the registered voters of the proposed incorporated area signed the Petition for Municipal Incorporation, with said signatures being properly certified by the Johnston County Board of Elections. The petition contains the printed name and signature and the voter's residence address and date of birth. (See Appendix B: Johnston County Board of Elections certification and Appendix P: Petitions)

Statute § 120-163

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The petition must contain a statement that the proposed

municipality will have a budget ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred dollar (\$100.00) valuation upon all taxable property within its corporate limits. The petition must contain a statement that the proposed municipality will offer four of the following services no later than the first day of the third fiscal year following the effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street construction or right of way acquisition; (vii) street lighting; and (viii) zoning. In order to qualify for providing police protection, the proposed municipality must propose either to provide police service or to have services provided by contract with a county or another municipality that proposes that the other government be compensated for providing supplemental protection. The proposed municipality may not contain any non-contiguous areas.

Proposed Town of Archer Lodge Petition:

- **The proposed name for the city is the "Town of Archer Lodge."**
- **A map of the proposed city is provided on page 21.**
- **The proposed town of Archer Lodge plans to provide police protection, fire protection, water, and zoning/land planning as initial town services. Detailed information on services is provided on pages 37-40.**
- **The following persons will serve as an interim governing board: Mike Gordon, mayor; Jeff Barnes, Clyde Castleberry, Matt Mulhollem, John Perry and Anne Taylor.**
- **A proposed town charter is provided on page 50.**
- **A statement of estimated population is provided on page 22 & Appendix H.**
- **A statement of assessed valuation is provided on page 42 & Appendix N.**
- **The degree of development is provided on page 23 & Appendix H.**
- **The population density is 318 persons per square mile (data in map contained on page 22 & Appendix H).**
- **The form of government shall be the Mayor-Council.**
- **The manner of election shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292. The qualified voters of the entire Town shall elect the Mayor and the five members of the Town Council from the Town at large.**

- **The proposed municipality will have an initial budget ordinance with an ad valorem tax levy of fifteen cents (eight cents in new taxes and a current fire tax of 7 cents) on the one hundred dollar (\$100) valuation upon all taxable property within its corporate limits as presented on page 42.**
- **Police protection services will be provided by agreement with the Johnston County Sheriff's Office without additional compensation. After three years, the Town of Archer Lodge will enter into a new agreement with the Johnston County Sheriff's Department. At this time a compensation agreement will be reached for this supplemental protection. Details are provided on page 39 and Appendix G.**

Statute § 120-163

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

Proposed Town of Archer Lodge: The Archer Lodge Municipal Exploratory Committee, on behalf of the residents of the proposed Town of Archer Lodge, is hereby filing with the Joint Legislative Commission for Municipal Incorporations a Petition for Municipal Incorporation signed by thirty-six percent (36%) of the registered voters of the proposed incorporated area, with said signatures being properly certified by the Johnston County Board of Elections. (See Appendix B: Johnston County Board of Elections certification)

It should be noted that when the initial petition drive began the Archer Lodge Municipal Exploratory Committee was provided data from the Johnston County Board of Elections that stated the current voter registration within the proposed town boundaries was 2,019 voters. Based upon this information, the committee went forward with a signature drive that resulted in 1,067 signatures as of August 21, which would have resulted in 52.8 per cent of the registered voters having signed the Archer Lodge incorporation petition. The overwhelming surge of voter registrations in the months leading up to the latest election resulted in an additional 925 voters, dropping the Archer Lodge signature ratio to just over 36 percent.

Statute § 120-163

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999 458, s. 1; 2001 353, s. 6.)

Proposed Town of Archer Lodge: The Petition for Municipal Incorporation for the proposed Town of Archer Lodge is being presented to the Commission on December 2, 2008.

Statute § 120 164. Notification

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

Proposed Town of Archer Lodge. Notification of Intent to Submit a Petition of Municipal Incorporation was mailed to the Johnston County Board of Commissioners and the mayors of all municipalities by certified U. S. mail on November 16, 2008. (See Appendix E)

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission. (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

A Notice of Intent to Submit a Petition of Municipal Incorporation was published in The Smithfield Herald on November 5 and November 12, 2008. (See Appendix F)

Statute § 120 166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or

- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A 31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25; 1998 150, s. 2; 2000 140, s. 93.1(a); 2001 424, s. 12.2(b).)

Proposed Town of Archer Lodge.

Under section (a) of Statute 120-166 (additional criteria, nearness to another municipality), the proposed Town of Archer Lodge need only be not within three miles of another municipality (note that the Town of Clayton had a population of just over 14,000.) ***The proposed town of Archer Lodge does not meet this criteria, however the Town of Clayton has issued an official resolution expressly supporting the incorporation of Archer Lodge.*** (See Appendix H) (See Appendix Q)

The proposed municipality is separated by a major river from the nearby city.

Proposed Town of Archer Lodge.

Under section (b) of Statute 120-166 (additional criteria, nearness to another municipality), the proposed Town of Archer Lodge is separated from the contiguous borders of the Town of Clayton by a major river, the Neuse River. It should be noted that the Town of Clayton does have satellite development on the Archer Lodge side of the Neuse River however more than 50% of this satellite annexation is in agricultural status. (See Appendix H)

The Archer Lodge Municipal Exploratory Committee has received an expressed resolution of support from the Town of Clayton. (See Appendix H) (See Appendix Q)

Statute § 120 167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100 and a population density (either permanent or seasonal) of at least 250 persons per square mile. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999 458, s. 2.)

Proposed Town of Archer Lodge. Based on information from the Johnston County Planning Department, the estimated number of parcels within the proposed municipality is 2,058. According to current Johnston County population estimates, the proposed Town of Archer Lodge had 1.814 persons per parcel. Based upon this information, the overall population of the proposed area is 3,192 persons. The total area of the proposed incorporation area is 9.1 square miles. The population density therefore is 350 persons per square mile. Based upon the voter registration totals of 2,944 voters, it is likely that these population figures are extremely conservative. (See Appendix H: Data/information provided by the Johnston County GIS/Techology Services Department, December 1, 2008 and map on page 22)

Statute § 120 168. Additional criteria; development.

The Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1999 458, s. 3.)

Proposed Town of Archer Lodge. Based on data provided by the Johnston County Planning Department, 41% of the total acreage, is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated to open space under the provisions of a zoning ordinance, conditional or special use permit, or recorded restrictive covenants.

(See Appendix H: Data/information provided by the Johnston County GIS/Techology Services Department, December 1, 2008 and map on page 23 provided by Johnston County GIS/Techology Services Department on November 5, 2007).

Statute § 120 169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A 1(1). (1985 (Reg. Sess., 1986), c. 1003, s. 1.)

Proposed Town of Archer Lodge. The proposed municipality is not included within the boundary of another incorporated area, as certified by the Johnston County Planning Department. *(See Appendix H: Data/information provided by the Johnston County GIS/Techology Services Department, December 1, 2008)*

Pursuant to N.C.G.S. 120-169, the The proposed area of incorporation is not subject to any action by Johnston County pursuant to Article 24 Chapter 153A of the General Statute (Unified Government Section 153A-471, et al)

**NAME OF TOWN, TOWN OFFICIALS,
FORM OF GOVERNMENT AND
MANNER OF ELECTION**

NAME

The name of the town shall be "Town of Archer Lodge."

TYPE OF GOVERNMENT

The type of government will be Mayor-Council, with a Mayor and five council members serving four year staggered terms as defined in the attached Town Charter.

INTERIM MAYOR and INTERIM TOWN BOARD

The Interim Mayor of the Town of Archer Lodge is Mike Gordon.

The five Interim Council members are: Jeff Barnes, Clyde Castleberry, Matt Mulhollem, John Perry and Anne Taylor.

MANNER OF ELECTION

Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292. The qualified voters of the entire Town shall elect the Mayor and the five members of the Town Council from the Town at large.

POPULATION AND DEVELOPMENT

Development Anticipated For The Area: The proposed Incorporation Area is located in the northern portion of Johnston County bordered on the north and east by Buffalo Creek. The most centralized area of the proposed town lies around the intersection of Buffalo, Wendell & Covered Bridge Roads. This is the traditional center of the community and home of the Archer Lodge Community Center, a non-profit corporation that has served the recreational needs of the community for more than a quarter century. Within a mile of the center of the community is a mixture of farmland and single family homes. The most populated area of the proposed Town lies outside of the one-mile radius and consists of a mixture of farmland and small subdivisions, a result of the explosive growth in the area over the past 10-15 years.

Johnston County has, in its 2006 Projected Growth Management Study conducted in 2006, pinpointed a number of county population nodes where commercial development in the future should be encouraged in order to more effectively serve the commercial needs of a growing county while maintaining a watchful eye on ecological and environmental impact.

Because of its proximity and ease of access to Raleigh and the Research Triangle area, Archer Lodge has experienced rapid growth over the past decade, mirroring if not exceeding the growth statistics of the county as a whole. It is therefore not a surprise that Archer Lodge should be identified as one of the county's population nodes where commercial growth might well be encouraged. (See exhibit below and Appendix A)

In addition, the Archer Lodge community in entirety has been identified by the Johnston County Projected Land Use Plan as an area of Primary Potential Land Use in the future. (Map on Page 24)

Potential commercial areas and Neighborhood Nodes:

- Cornwallis and Cleveland
- IHOD at 42 and 70 bypass: AR at Ranch Road Interchange
- Archer Lodge
- Blackman's Crossroads
- McGee's Crossroads
- Strickland's Crossroads
- Brogden
- 96 and 42
- Corinth Holders

This designation on its own highlights the potential future pressures on proper management of this growth from within the Archer Lodge community.

While the citizens of Archer Lodge recognize that they live in an area of prime future growth potential, they are also keenly aware of the importance of careful local planning in order to properly manage the growth and maintain its agricultural heritage.

Additional Population and Growth Data.

According to the NC Office of Budget and Planning, the Johnston County Population was projected to grow at a percentage rate of more than 119 percent between the years of 2000 and 2030, a percentage rate of growth higher than any other county in the State of North Carolina.

In 2000, the population of Johnston County was 121,965. By 2006 census estimates had the population of the county at 152,143, a percentage increase of over 24 percent and nearly two and a half times the North Carolina average of 10.1 percent.

STATEMENT OF ESTIMATED POPULATION AND POPULATION DENSITY

The estimated number of housing units within the proposed municipality is just over 2,000. According to the Johnston County Planning Department, the average persons per household is 1.814, setting the estimated population of the proposed Town of Archer Lodge at 3,600 persons. The total area of the proposed incorporation area is 13.34 square miles, making the population density 280 persons per square mile. *(See map page 22: Data/information provided by the Johnston County Planning Department Staff, November 4, 2008)*

DEGREE OF DEVELOPMENT

Area Estimate for Proposed Incorporation Area	Acres 5597.53	Square Miles 9.1
--	------------------	---------------------

Area in Development	2292.77	
---------------------	---------	--

(Appendix H and map on page 23): Source Johnston Co. GIS)

Percentage of Proposed Incorporation Area Developed - 39%

As demonstrated by the above chart, the proposed Town of Archer Lodge contains 9.1 square miles, includes a population density of 350 persons per square mile. Of the total acreage, 41% is developed.

This degree of development in the proposed Town of Archer Lodge provides an opportunity for controlled growth that is consistent with the community's agricultural heritage and yet mindful of the needs of developers, new residents and commercial interests. Municipal incorporation now will allow the Town officials to plan and manage growth, rather than leaving the community's future to chance or the assumptions of non-residents. As Johnston County develops its long range plans for growth, the Town of Archer Lodge can play an integral part in assuring that the best interests of the residents of the Archer Lodge community and the county as a whole are served.

The Town of Archer Lodge will almost certainly be a primary area for growth within the county

and region over the next several years. In anticipation of this significant population growth, immediately upon incorporation, the Archer Lodge Interim Town Council will conduct a study to determine the desires of the community for growth, both in type and volume. Ultimately the results of the study will be used to develop and initiate long range planning strategies, both within the Archer Lodge community and along with Johnston County Joint Planning Board.

In addition, the Archer Lodge Municipal Incorporation Committee has already been in contact with recently incorporated municipalities across the state in an effort to benefit from the experiences of these new towns. It is the intent of the committee, during the legislative incorporation process, to continue working toward the development of long range planning information that will be of immediate assistance to the members of the Archer Lodge Town Council once the first regular election is held in November 2009.

The goal of this continual investigative process is to allow the committee to provide the interim council with sufficient information as to develop a comprehensive study of the needs of the newly incorporated Town of Archer Lodge, thereby facilitating the process of developing a long range comprehensive land use plan for the Town and ultimately, removing the burden currently carried solely by the county.

Local management of land use planning and zoning, the standard bearer issue for municipal self-determination, lies at the heart of the Archer Lodge incorporation effort. It is the intent of the Archer Lodge Municipal Incorporation Committee to ensure that a newly-incorporated Archer Lodge can take responsibility for this issue at the nearest possible date.

CURRENT SERVICES BEING PROVIDED-WITHIN THE PROPOSED INCORPORATED AREA

Water

The Archer Lodge Water District provides water distribution for residents who pay a monthly debt service and user fees, managed by the Johnston County Department of Public Utilities

Fire Protection

The Archer Lodge Volunteer Fire Department currently serves the needs of the entire area in the proposed Town of Archer Lodge, as well as an additional 6,000 citizens. The department is currently celebrating 50 years of serving the Archer Lodge community and boasts the highest insurance rating available to the citizens of the region.

Police Protection

The Johnston County Sheriff's Office provides outstanding service to the 157,000 residents of Johnston County.

Zoning

The Land Planning Division of Johnston County serves the needs of the county's unincorporated areas, providing the most up-to-date GIS information to all of the citizens of the county.

SERVICES TO BE OFFERED

The area known as Archer Lodge receives police protection, fire protection, and zoning services from the County of Johnston, water distribution services from the Archer Lodge Water District, and street maintenance and street construction or right of way acquisition from the NC Department of Transportation and the County of Johnston. The County of Johnston provides solid waste disposal sites.

The proposed Town of Archer Lodge will offer 1) zoning/land planning in collaboration with the Johnston County Joint Planning Board and Planning Staff, with the ultimate goal of moving this service strictly under town oversight at the nearest possible date 2) police protection under agreement with the Johnston County Sheriff's Department 3) fire protection through contract with the Archer Lodge Volunteer Fire Department, 4) water, through contract with the Archer Lodge Water District. In addition, the Committee has considered the necessity and feasibility of providing Street Lighting and it is anticipated that the Town will continue to investigate this as a possible additional service to its citizens.

Zoning/Land Planning. The heart of the Archer Lodge incorporation effort, local management of zoning and land planning is essential to the future of the community. Initially, the Town of Archer Lodge will work cooperatively and collaboratively with the Johnston County Joint Planning Board and Johnston County Planning Department to embrace zoning that is consistent with county standards yet respectful of the unique natural, historical and cultural environment of the Town of Archer Lodge. The Town will adopt an appropriate zoning ordinance within 60 days of incorporation.

A strong, consistent commitment to the quality of life of its residents and a powerful sense of community has been the mainstay of the Archer Lodge community. Zoning services to be provided by the Town of Archer Lodge would focus on policies and ordinances that would protect the character of the Archer Lodge community. Effective growth management and zoning policies would be aimed at avoiding the harm and hazards associated with over-development and would encourage development consistent with the expressed aims of residents of the Town of Archer Lodge, a sensitivity to topography and soils, detailed planning within the town boundaries and regional comprehensive land use plans.

The Town of Archer Lodge will adopt a Resolution Governing Zoning to the effect that the governing board of the Town will request that the County make the Johnston County Zoning Ordinances applicable to all areas located within the corporate limits of the Town with the following possible exceptions: that the governing board of the Town should be the final authority for site plan approval of all non-residential development within the corporate limits of the Town. At such time as it deems proper, the Board will have the authority to adopt and implement a comprehensive zoning ordinance independent of any county-wide regulations.

Police Protection. The Johnston County Sheriff's Department provides outstanding service to Archer Lodge; however, a growing community will eventually require additional services.

The Town of Archer Lodge will initially utilize the services of the Johnston County Sheriff's Department on a "no additional cost" basis, under previous agreement with the Johnston County Sheriff's Department. The level of services now provided by the Johnston County Sheriff's Office will remain intact. (*See Appendix G: Letter of Assurance dated November 19, 2008 from Sheriff Steve Bizzell, Johnston County Sheriff's Office*). This agreement will remain in effect for the first three years of incorporation.

No later than the third fiscal year of incorporation, the Town of Archer Lodge and Johnston County Sheriff's Department shall negotiate an agreement to employ, as necessary, deputies to serve within the proposed town boundaries, thereby increasing police protection services to the residents of the Town of Archer Lodge. This agreement would take effect no later than the first day of the fourth fiscal year of incorporation.

Fire protection. The Fire Protection Service will be provided by contract with the Archer Lodge Volunteer Fire Department, which currently operates within the boundaries of the proposed town of Archer Lodge. The Archer Lodge Volunteer Fire Department operates as a 501(c)(3) non-profit corporation.

The purpose of the fire service is to provide fire protection to our community and tax district. The Archer Lodge Volunteer Fire Department is run as a corporation with an elected Board of Directors, which is empowered to make regulations and contracts. The fire department will be asked to appoint a liaison who will be the direct line of communication between the Town Council of the Town of Archer Lodge and the Archer Lodge Fire Department.

Archer Lodge Volunteer Fire Department has been in existence for 50 years. It has received a Department of Insurance rating of Class 5, which results in savings on premiums for many homeowners and commercial businesses on their fire insurance policies.

The proposed plan for the fire protection of the property and life of the residents of Archer Lodge is that a contract will be executed with the Archer Lodge Fire Department, Inc. to provide fire protection for the same geographic fire districts within the Town of Archer Lodge that the fire department currently serves, with the existing fire district taxes of 7 cents per \$100 respectively being contracted back to the fire department to provide these services.

(See Appendix L: Letters of agreement from the Board of Directors of the Archer Lodge Volunteer Fire Department and Financial Reports on the Department. Appendix M: Documentation of the public protection classification).

Water. The Town of Archer Lodge, under agreement with the Archer Lodge Water District and Johnston County Department of Public Utilities, which currently provide the water services within the area included in the proposed Town will continue to provide the services to an incorporated Archer Lodge, subject to the requirements contained in a letter dated October 27.

Providing water town service under options 2 or 3 contained in the letter would most immediately enable the Archer Lodge Water District to make already needed improvements to the current system. Included in those needs are water main extensions, new service connections and a supplemental water capacity allocation. These improvements would require an expenditure of \$1.74 million, which would be financed by a variety of methods, depending upon whether the Town of Archer Lodge contracts with the Archer Lodge Water District or buys the system infrastructure outright.

The recommendation of the committee is to contract with the Water District, providing the means for the necessary upgrades, while maintaining cost efficiency for the Town.

(See Appendix K: Letter of Assurance for Water Service by the Archer Lodge Water District)

In addition, the Committee has considered the necessity and feasibility of providing **Street Lighting**. While this service is not planned for the immediate future, it is anticipated that the Town will continue to investigate this as a possible additional service to its citizens, particularly in areas of high traffic flow.

Johnston County

POST OFFICE BOX 1049
SMITHFIELD, N. C. 27577

Rick J. Hester
County Manager
(919) 989-5100
FAX (919) 989-5179

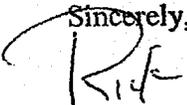
July 7, 2009

Dear Carlton,

Last night, the Board of County Commissioners approved the agreements that were presented for land use planning and law enforcement services for the Town of Archer Lodge.

If you need more information, please feel free to contact me at 989-5100.

Sincerely,


Rick J. Hester
County Manager

Cc: Sheriff Bizzell
Ms. Paula Woodard
Mr. Mark Payne

Draft Proposal for Town of Archer Lodge for Planning and Land Use Items

“Once Archer Lodge officially becomes a town, the Archer Lodge Town Council immediately adopts the county’s ordinances, zoning and land use plan as their own, and appoints a town planning board. The appointment of a town planning board would need to be accomplished within 60 days of the effective date of incorporation. During that 60 day period, all land use and zoning applications/cases would continue to go through the county planning staff, planning board and county commissioners, if necessary. On the 61st day after the incorporation, any land use and zoning applications would continue to be presented to the county planning office for an additional period of ten (10) months. These cases would be decided upon by the Archer Lodge planning board and town council. However, please note that any cases that are in the “pipeline” with the county planning board and board of county commissioners will continue through that process in order to eliminate confusion for the applicant. The county planning office’s involvement with any land use/zoning applications would end on the first business day after the one year anniversary of the effective incorporation date of Archer Lodge. This interim period of assistance would give the Town of Archer Lodge ample time for town staff or contract staff to learn all the details of the county’s ordinances. While serving the Town of Archer Lodge, the county planning office would retain all fees to offset costs associated with mailings, personnel time, etc. On the first business day after the one year anniversary of the incorporation of the Town of Archer Lodge, the county planning office would no longer be involved in any land use or zoning matters pertaining to the Town of Archer Lodge. The Town of Archer Lodge would be fully responsible for providing their own planning staff, whether it is contracted services, using existing town staff or hiring someone as a town employee.”

(This is only a proposal and has not been formally presented to the Board of County Commissioners for consideration. Therefore, it would not be official, unless approved by the Board of County Commissioners at a future board meeting.)

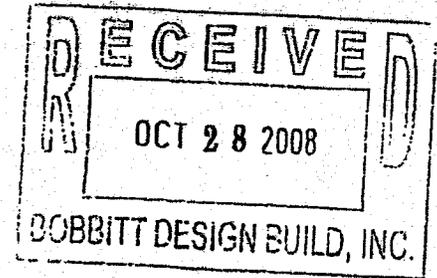
Appendix K

Johnston County

DEPARTMENT OF PUBLIC UTILITIES

POST OFFICE BOX 2263
SMITHFIELD, N.C. 27577
(919) 989-5075

MEMORANDUM



DATE: October 27, 2008
TO: Jeff Barnes
Archer Lodge Municipal Incorporation Steering Committee
FROM: Timothy G. Broome, P.E. *TGB*
RE: **Water and Sewer Service Options for the Proposed
Town of Archer Lodge**

In follow-up to our recent discussion, we offer the following summary on the options for water and wastewater services for the proposed municipality, in addition to our opinion on options for the proposed town on its own.

Water Service

For water service, our summary comments of 1/4/08 still apply and a copy is attached. Subject to its articles of incorporation, we believe the Town may postpone any action for water service until it chooses. Also, if the town chooses to contract with ALWD to extend service to all Town citizens and operate and maintain the system, then this arrangement could be very flexible to allow the Town to assume service responsibility when it chooses in the future. We suggest you confirm these options with your attorney.

Sewer Service

Likewise, subject to articles of incorporation for sewer service, the Town may do nothing; contract with the County for provision of service; or finance, install, operate, and maintain its own system. For the latter option, due to very restrictive environmental regulations, the Town would most likely be required by NCDENR to purchase treatment capacity allocation from the County, Town of Clayton or River Dell Utilities; or permit a land application system for its effluent.

The Archer Lodge Water district and the County are available to assist the proposed municipality with water and sewer services through any reasonable means the Town chooses.

cc: Rick J. Hester
Chandra C. Coats, P.E.
Haywood M. Phthisic

Proposed Town of Archer Lodge Water System Capital Improvements

Introduction:

If the community of Archer Lodge is incorporated as the Town of Archer Lodge, and if the new municipality elects to provide water supply and fire protection services, then certain capital improvements will be required in order to provide service availability to all residences and businesses within the proposed corporate limits.

Required Improvements:

Following are the anticipated improvements needed, based on the preliminary corporate limits map.

1.	New Water Mains with Fire Hydrants @ 1,000 l.f. Spacing		
	a. 6" Diameter	18,000 l.f. @ \$15.00/l.f.	\$ 270,000
	b. 8" Diameter	4,000 l.f. @ \$18.00/l.f.	72,000
	c. Fire Hydrant Assemblies	40 ea. @ \$2,000 ea.	80,000
	d. Directionally Drilled Creek Crossings	2 ea. @ \$80,000 ea.	160,000
2.	New Water Mains for Potable Services (Only)		
	a. 4" Diameter	7,000 l.f. @ \$10.00/l.f.	70,000
	b. 2" Diameter	6,000 l.f. @ \$8.00/l.f.	48,000
3.	New Parallel Water Mains Required for Fire Protection		
	a. 6" Diameter	18,000 l.f. @ \$16.00/l.f.	288,000
	b. Fire Hydrants	16 ea. @ \$2,000 ea.	32,000
4.	Fire Hydrants Retrofitted on Existing Mains	24 ea. @ \$2,700 ea.	64,800
5.	New Water Services	610 ea. @ \$600 ea.	<u>336,000</u>
	Subtotal		\$1,420,800
	Contingency		142,200
	Technical Services		177,000
	TOTAL		\$1,740,000

Please note that the costs above are based on current (2007) bidding experience and are subject to changes based on the utility construction market.

Service Options:

The obvious options concerning water service for the proposed Town of Archer Lodge are:

1. Do nothing, i.e., do not provide water supply as a municipal service. Water service would continue to be provided by the Archer Lodge Water District with pipeline extensions and new services provided on an as requested basis. No capital or annual operating expenses would be incurred by the Town.

2. Provide water supply as a municipal service and contract with the Archer Lodge Water District to serve all properties within the corporate limits. To accomplish this, an expenditure of approximately \$1.74 million would be required by ALWD for water main extensions, new service connections, and a supplemental water capacity allocation. The expenditure would be financed by a USDA Rural Development loan to the District. Debt amortization of the improvements by the ALWD would require an increase in the current minimum \$15.00 monthly water availability charge to \$19.50. Otherwise, water charges would be the same as for all other water districts.

3. Provide water supply as a municipal service and purchase the water distribution infrastructure from the Archer Lodge Water District and contract with ALWD for operation. As for 2., above, a capital expenditure of approximately \$1.74 million would be required by the Town, and the Town would be responsible for arranging financing. Further, the Town would have to assume a proportional amount of outstanding debt on the water system infrastructure of the District. The computed value of the remaining debt for that infrastructure is approximately \$3.5 million. The district would operate and maintain the system for the commodity cost currently charged to other districts. Currently, that charge is \$3.00 per 1,000 gallons.

STEVE BIZZELL
SHERIFF

Johnston County Sheriff's Office

120 SOUTH THIRD STREET
P.O. BOX 1809
SMITHFIELD, NC 27577
(919) 989-5010
FAX: (919) 989-5039

June 19, 2009

Carlton Vinson
Archer Lodge Municipal Exploratory Committee
1029 Wendell Road
Wendell, NC 27591

To Whom It May Concern:

I am writing this letter at the request of Carlton Vinson regarding providing public safety for the Town of Archer Lodge, once incorporated.

Congratulations to the committee on their hard work and efforts towards incorporating Archer Lodge, allowing for the control of its future growth and success. The citizens of Archer Lodge should be thankful that the committee agreed that one of the services that would be provided as required by General Statute 120-163 was law enforcement (public safety) that will assure the citizens have a safe community to live, work and raise their families.

After numerous meetings, emails and discussions, I am proposing that the Johnston County Sheriff's Office provide law enforcement services to the Town of Archer Lodge, as we are currently doing, for a period not to exceed two years after the date of incorporation, at no cost to the town. This agreement will be subject to the approval of the Johnston County Board of Commissioners in open meeting.

In fairness to other municipalities of Johnston County, beginning on the first day of the third year after incorporation, the Town of Archer Lodge should have established a police department, providing 24 hour police protection. However, the Town Board may request to enter into a contract for the Johnston County Sheriff's Office to provide police protection. The County of Johnston would receive total compensation for providing these services, including but not limited to, salaries, benefits, equipment, and other necessary expenses. Also, this agreement would require approval of the Johnston County Board of Commissioners.

I look forward to continuing to provide public safety for the Archer Lodge community, and wish the new Town Board much success in the future direction of Archer Lodge.

Sincerely,



Steve Bizzell
Sheriff of Johnston County

SB/lde

STEVE BIZZELL
SHERIFF

Johnston County Sheriff's Office

120 SOUTH THIRD STREET
P.O. BOX 1809
SMITHFIELD, NC 27577
(919) 989-5010
FAX: (919) 989-5039

November 19, 2008

Mr. Carlton Vinson
Archer Lodge Municipal Exploratory Committee
1029 Wendell Road
Wendell NC 27591

Dear Mr. Vinson:

Congratulations to you and the other members of the Archer Lodge exploratory committee for all your hard work and progress to make Archer Lodge a town, providing for its future success. As Sheriff of Johnston County, I am, and will always be, proud to serve all the citizens of our great county, including the fine community of Archer Lodge.

As you are well aware, with incorporation comes a lot of services that a town must provide its citizens. In my opinion, the first and foremost responsibility is public safety. Without public safety, a community cannot prosper and thrive.

Pursuant to NC General Statute 120-163, a town must offer police protection as one of the four services, no later than the first day of the third fiscal year following the effective date of incorporation. As you know, I, along with the committee members, have discussed the possibility of the Johnston County Sheriff's Office providing deputies to continue patrolling the Archer Lodge community during the first two years of incorporation, and possibly one additional year to meet the requirements of the General Statute.

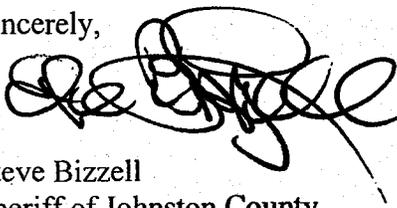
During this possible three-year period, we can determine the level of protection that we recommend to the town of Archer Lodge that they can use to determine the staffing needs and related equipment that would be needed to establish its own police department. However, at that time the town of Archer Lodge may request to enter into a contractual agreement with the Johnston County Sheriff's Office to provide police protection. The County of Johnston would receive total compensation for these services, including but not limited to, salaries, benefits, equipment, and other necessary expenses.

Mr. Carlton Vinson
Page 2
November 19, 2008

Any contractual agreement for the Sheriff of Johnston County to enter into with a town to provide public safety would be only after approval by the Johnston County Board of Commissioners in an open meeting, and would meet the requirements as set forth in General Statute 120-163 (c).

I look forward to working with you and the committee, and especially the fine citizens of Archer Lodge in your efforts to incorporate. I would be honored as Sheriff to continue being the law enforcement agency to serve Archer Lodge.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Bizzell", written in a cursive style.

Steve Bizzell
Sheriff of Johnston County

SB/lde

cc: Rick Hester, Johnston County Manager



ARCHER LODGE FIRE DEPT.

6483 Covered Bridge Road
Clayton, NC 27527
Phone: (919) 550-4136
Fax: (919) 550-4135

November 12, 2008

To: Archer Lodge Municipal Exploratory Committee

Dear committee members,

By action of the Board of Directors on October 23, 2008 Archer Lodge Fire Dept., Inc. agrees to provide continuous fire protection services for the area included in the Archer Lodge Municipal boundaries. Archer Lodge Fire Dept. will continue to maintain and upgrade equipment to adequately provide these services.

The fire tax rate for the new municipal area will be the same as the Archer Lodge fire district tax rate. The Johnston County finance office will continue to collect the fire tax and disburse said tax to Archer Lodge Fire Dept.

Attached is a copy of the fire insurance classification for this fire district and a current balance sheet for our department.

If you need additional information please call 919-550-4136.

Pete Barnes



Chief, Archer Lodge Fire Dept.

Enclosures: (2)



JOHNSTON COUNTY TAX ADMINISTRATOR

**POST OFFICE BOX 368
SMITHFIELD, N.C. 27577**

To: Carlton Vinson
Archer Lodge Municipal Exploratory Committee

From: Letitia Jones
Tax Statistician

Re: Archer Lodge Assessed Tax Value

Dear Carlton,

We have reviewed the GIS information provided to us by the Johnston County Planning Department. Based on the area shown, and taking into account exempt parcels and present-use value, it has been determined that the total estimated assessed tax value for the area proposed for the Town of Archer Lodge is \$227,208,380.00.

This is based upon information from the current year as our new listing period is not yet completed.

We are currently working to provide you with motor vehicle tax values and personal property tax values, but I do not have that information for you at this time. We will provide you with that information as soon as we have it available.

We congratulate you on your efforts. I hope this information is helpful to you. Please let us know if we can be of any further service.

Sincerely yours,

A handwritten signature in cursive script that reads "Letitia Jones".

Letitia Jones
Tax Statistician
Johnston County Tax Administrator's Office
919-989-5790

STATEMENT OF ASSESSED VALUATION

County Property Taxation.

Property taxes in the Archer Lodge community are levied by the County of Johnston and are based on the assessed valuation of the individual property and the effective tax rate set by the Johnston County Board of Commissioners. According to data provided by the Johnston County Tax Office, the Real Estate assessed valuation for the proposed Town of Archer Lodge is \$201,639,190.00.

(See Appendix N: Statement of Assessed Valuation from the Office of the Tax Administrator, County of Johnston dated November 24, 2008)

AD VALOREM TAX LEVY

The current Tax Bill for the Archer Lodge Fire District is:

County Wide	.00780000
Archer Fire District	.00070000
Total Tax Rate	.00850000

After incorporation, the Tax Bill for the Town of Archer Lodge will be:

County Wide	.00780000
Archer Lodge Fire District	.00070000
Archer Lodge Town	.00080000
Total Tax Rate	.00930000

Thus, the new tax for the residents of the Town of Archer Lodge will be 8 cents per \$100 valuation, which will be used to operate the Town of Archer Lodge. Residents of the Archer Lodge community are already paying to the County of Johnston, per \$100 valuation, 7 cents for fire protection, which is distributed to the Archer Lodge Volunteer Fire Department for fire services. This 7 cents and the new tax of 8 cents means that the anticipated tax rate that the Town of Archer Lodge will collect and distribute will be 15 cents per \$100 evaluation.

OPERATIONAL PLAN FOR THE PROPOSED MUNICIPALITY

Revenue

Primary sources of revenue for the Town of Archer Lodge are the Property Tax Levy, sales tax and other tax income. Based on the current total assessed valuation of \$201,639,190.00 and using the 15 cents tax rate (\$.15/\$100 of valuation), which includes 7 cents for fire protection plus a new 8 cents tax levy, the estimated Real Estate Tax revenue is \$297,921.00, based upon a 98.5% collection rate. While exact figures were not available for this presentation, the estimated Motor Vehicle tax revenue is \$36,295.00. The estimated Personal Property Tax revenue is \$34,782.00. Again, while exact numbers are not available. The estimated sales tax revenue is \$154,298.00. Estimates of additional revenues come from the North Carolina Department of Revenue. They include Electric Power Franchise fees of \$130,976.00, Beer and Wine Tax revenues of \$16,800 and Telecommunications Sales Fees of \$48,024.00.

These revenues would cover the cost of start-up expenses for a basic municipal operation, e.g. office and meeting place, supplies, salary of a Town Clerk/Administrator, legal counsel, the annual salary and benefits for a town manager or management consultant and the services to be offered.

Municipal incorporation will also allow utility franchise taxes paid on telecommunications, gas and electric bills in the unincorporated area which are now kept by the state and which are paid by residents of the proposed Town of Archer Lodge to flow back to the residents of the proposed Town, thereby paying for local needs that directly affect local citizens.

Operational Plan

The following proposed 2010 budget projects revenues and expenses. Immediately upon incorporation, the Town of Archer Lodge will work closely with the Finance Office of the County of Johnston to obtain exact revenues and will finalize negotiations on costs of services to be provided.

Town of Archer Lodge

Proposed Budget: Fiscal Year 01/01/10 - 12/31/10

Revenue and Expenses

Revenue	Amount
Property Tax (Real Estate)	\$ 297,921.00
Property Tax (Motor Vehicles)	\$ 36,295.00
Property Tax (Real Estate - personal property)	\$ 34,782.00
Total Ad Valorem Revenues	\$ 368,998.00
Sales & Use Tax	\$ 154,298.00
Beer and wine Tax	16,800.00
Telecommunications Fees	\$ 48,024.00
Utility Franchise Fees	130,976.00
Total Additional Revenues	\$ 350,098.00
Total Revenues	\$ 719,096.00
Expenses	Amount
Fire Protection	\$ 175,000.00
Police Protection	\$ 75,000.00
Planning	\$ 28,000.00
Administration	\$ 268,765.00
Reserves <i>(includes 8% LGC minimum requirement)</i>	\$ 137,331.00
Town Contingency Fund	\$ 35,000.00
Total Expenses	\$ 719,096.00
Total Revenues minus Total Expenses	\$.00

Town of Archer Lodge

Proposed Budget: Fiscal Year 01/01/10 - 12/31/10

Revenues

Item	Amount
I. Ad Valorem Tax Revenues	
A. Real Property Tax	\$ 297,921.00
<i>(.15 per \$100 on Assessed Valuation of \$197,304,860.00, assuming a 98.58% collection rate)</i>	
B. Property Tax (Motor Vehicles - Estimated)	\$ 36,295.00
C. Property Tax (Personal Property - Estimated)	\$ 34,782.00
Sub-total Ad Valorem Tax Revenues	\$ 368,998.00
II. Sales & Use Tax	\$ 154,298.00
<i>Based upon Johnston County levy-based distribution: Archer Lodge Levy \$349,254.00 / Johnston Co Levy \$91,213,267 Ratio of .038% x Johnston County Sales & Use Tax Total of \$38,139,488.43</i>	
III. State Provided Revenues	
A. Beer and Wine Tax	\$ 16,800.00
B. Telecommunications Fees	\$ 48,024.00
C. Utility Franchise Fees	130,976.00
D. Miscellaneous	
Sub-total Additional Revenues	\$ 350,098.00
Total Revenues	\$ 719,096.00

Town of Archer Lodge

Proposed Budget: Fiscal Year 01/01/10 - 12/31/10

Expenses

Item	Amount
I. Fire Protection	
A. Fire Protection (Archer Lodge Volunteer Fire Dept.) <i>\$349,254.00 x .467 (% of overall municipal tax revenues)</i>	\$ 175,000.00
Fire Department Total	\$ 175,000.00
II. Police Protection	
A. Police Protection (Start-up Funding Reserve)	\$ 75,000.00
Police Services Total	\$ 75,000.00
III. Planning	
A. Planning Consultant (60 hours/ Year One x \$125/hr.) & Planning Activities	\$ 15,000.00
B. Planning Board/Board of Adjustment Expenses	\$ 3,000.00
C. Johnston County Contracted Services	\$10,000.00
Planning Total	\$ 28,000.00
IV. Administration	
A. Town Clerk/Administrator plus benefits	\$ 65,000.00
Expenses	\$ 4,000.00
B. Legal Counsel (10 hours/mo x 12 mos x \$125 hr.)	\$ 15,000.00
C. Town Management Consultant (36 hours/mo x 12 mos x \$75/hr.)	\$ 32,000.00
D. Secretary/Receptionist	\$ 24,000.00
E. Real Estate & Utilities	
1. Office space - \$1500 mo. x 12	\$ 18,000.00
2. Office space utilities	
a. Electric: \$500 mo x 12	\$ 6,000.00
b. Phone with Fax, 2 lines, 2 phones: \$150 mo x 12	\$ 1,800.00
c. Computer and technology equipment/service	\$ 24,000.00

Town of Archer Lodge

Proposed Budget: Fiscal Year 01/01/10 - 12/31/10

Expenses

Item	Amount
d. Furnishings	\$ 5,000.00
e. Water and sewer: \$65 mo x 12 mos	\$ 780.00
f. Cable Services for on-line access	\$ 3,600.00
F. Insurance	
Liability, Property, Worker's Comp & Bonding	\$ 12,000.00
G. Miscellaneous	
1. Advertising	\$ 2,000.00
2. Signage	\$ 21,800.00
3. Office supplies	\$ 2,500.00
H. Governing Body	\$ 9,300.00
1. Compensation (Mayor: \$150/mo x 12 months, Council 5 each \$125/mo x 12 months)	
2. Meeting & Training Expense	\$ 8,000.00
3. Miscellaneous Expense	\$ 2,000.00
I. Tax Collection Expenses	6,985.00
J. Audit	\$ 5,000.00
Administration Total	\$ 268,765.00
V. Reserves	
Fund Balance (<i>includes 8% LGC minimum requirement</i>)	\$ 72,331.00
Town Capital Reserve Fund	\$ 65,000.00
Reserves Sub-total	\$ 137,331.00
VI. Contingency	
Town Contingency Fund	\$ 35,000.00
Contingency Sub-total	\$ 35,000.00
Total Expenses	\$ 719,096.00

Staff: A Town Clerk/Administrator will be employed to manage town operations and a contract for legal services will be negotiated. A Town Management consultant will be contracted with, beginning January 1, 2010, at an estimated cost of \$32,000 per year for compensation. An additional clerical person has also been budgeted for. The initial cost for the Town Clerk will be \$65,000 (salary and benefits). Compensation for the clerical position is estimated to be approximately \$24,000.

Real Estate and Utilities: The Town Council will lease office space at a monthly rate of \$1500 for a total cost of \$18,000 annually. A number of facilities are available within the proposed town limits and in convenient locations. For meeting purposes the Town may choose to rent the meeting facilities of the Archer Lodge Community Center, Inc.

Services to be provided by the County of Johnston. Certain services and contracts will continue and/or be negotiated with the County of Johnston:

1. The County of Johnston will continue to provide building inspections, tax assessments and tax billing.
2. The Town of Archer Lodge will contract with the County of Johnston for the Johnston County Tax Office to manage property tax collections.
3. The County of Johnston will manage motor vehicle tax collections on a fee basis.
4. The Fire Marshall will continue to provide all required fire inspections pursuant to contract with the Town of Archer Lodge.
5. The Town of Archer Lodge will contract with the County of Johnston to continue application of Johnston County Land Use Plan and the Zoning Ordinances and enforcement of same initially for a period of two years. The governing body of the Town of Archer Lodge and the Johnston County Board of Commissioners will negotiate any extensions of this term.
6. The governing board of the Town will request that the County make the Johnston County Zoning Ordinance applicable to all areas located within the corporate limits of the Town until such time as the Town of Archer Lodge can develop and implement its own Zoning Ordinance.

CHARTER OF THE TOWN OF ARCHER LODGE

ARTICLE I: INCORPORATION AND CORPORATE POWERS

The inhabitants of the Town are a body corporate and politic under the name "Town of Archer Lodge". The Town of Archer Lodge has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

ARTICLE II: CORPORATE BOUNDARIES.

Section 2.1 Town Boundaries. Until modified in accordance with law, the boundaries of the Town of Archer Lodge are as follows:

Boundaries of the Town of Archer Lodge

Beginning at a point on the centerline of Covered Bridge Road with a intersection of Millstone Manor S/D(PB 31/377). Thence in a southwesterly direction along the centerline of Covered Bridge Road approximately 570 feet to a corner with lot #5 of Millstone Manor S/D(PB 31/377). Thence in a northwesterly direction along lot #5 following an unnamed branch(PB 31-377) following the same unnamed branch to corner with lot 19 (PB 35/77). Thence southeasterly along Millstone Manor S/D to a point (PB 69/90). Thence northwesterly along Millstone Manor S/D lot numbers 55 and 56 and along a drainage easement (PB 69/90) to an unnamed branch to a corner with lot 20 where the unnamed branch intersects with Big Arm Branch (PB 70/236). Thence along Big Arm Branch to its intersection with "Ben's Prong", thence along "Ben's Prong" to Lot 15, Millstone Manor S/D(PB 70/236), thence along Ben's Prong Branch(DB 3636/97),(Parcel # 16J03034A) to its intersection with (Parcel #16J03033F), thence following this line in a northerly direction to its intersection with (Parcel # 16J02024B) thence in a southwesterly direction, thence northwesterly, thence northeasterly(PB 28/217) to an intersection with (Parcel # 16J03021), thence following this parcel line in a northeasterly direction to its intersection with (Parcel #16I02017A), thence southeasterly along this line to its intersection with (Parcel #16J03024B) thence in a northeasterly direction along this line to its intersection with (Parcel # 16J03033D), thence in a southeasterly direction along this line to its intersection with (Parcel # 16J03033F), thence in a northeasterly direction along this line(Parcel # 16J03033D) to its intersection with (Parcel # 16I02024), thence in a northwesterly direction along this line to its intersection with (Parcel # 16J03024C), thence along this line in a northwesterly direction to its intersection with (Parcel#16I02017A), thence continuing northwesterly along (Parcel # 16I02024) to its intersection with Big Arm Branch, thence northeasterly along Big Arm Branch an intersection with (Parcel # 16J02037), thence in a easterly direction to a point on the centerline of Buffalo Road(SR 1003), thence following the centerline of Buffalo Road to its intersection with (Parcel # 16J02038T), thence following the perimeter of this parcel(16J02038T) to an intersection with the centerline of Buffalo Road, thence in a northerly direction along the centerline of Buffalo Road to an intersection with (Parcel # 16J02038B),thence in a westerly direction following this property line to its most northwesterly point with (Parcel # 16J02038C), thence in an easterly direction to a corner with (Parcel # 16J02038J), thence following the most easterly perimeter of this parcel to an intersection with the centerline of Buffalo Rd., thence along this centerline in a northerly direction to an intersection with (Parcel #16J02038J), thence in a northwesterly direction following the perimeter

of (Parcel #16J02038 J) to its intersection with (Parcel # 16J02038D), thence following this parcel line in an easterly direction to its intersection with the centerline of Buffalo Road, thence southerly along the centerline of Buffalo Road to its intersection with (Parcel # 16J02026); thence following the perimeter of this line to its intersection with Fletcher Road (SR 1770); thence easterly along the centerline of Fletcher Road to its intersection with (Parcel # 16J02026); thence in a northeasterly direction following the perimeter of (Parcel # 16J02026) to its intersection with (Parcel #16J02011A); thence southerly along this property line to its intersection with (Parcel # 16J02027A); thence southerly along this property line to its intersection with (Parcel # 16K01025M); thence following this line to its intersection with (Parcel # 16J02009); thence in an southerly direction following the perimeter of this line to its intersection with (Parcel # 1601025A); thence with this line to its intersection with (Parcel # 16J02007A); thence in a southeasterly direction following this property line along its perimeter to its intersection with (Parcel # 16J02005E); thence following the run of an unnamed branch (PB 27/435) to its intersection with the centerline of Wall Road (SR 1747). Thence from the preceding point continuing southeasterly and subsequently northeasterly along Archer's Glen S/D (PB 36/29), thence northwesterly along Jimmie Barne's (Parcel # 16K03026A) to a corner with Phyllis Edwards (DR 1938/207), thence southeasterly along her line to its intersection with Donald Driver's line (DR 680/382), thence northeasterly along Driver's line, thence southeasterly to an intersection with Paul Tippett's line thence northeasterly along this line (DB 958/348), thence northeasterly along Charles Tippett's line (DB 2645/444) to a point in the centerline of Wendell Road (SR 1701). Thence in a northeasterly direction along the centerline of Wendell Road (SR 1701) to a point in the centerline of Wendell Road and Buffalo Creek (PB 64/181), thence southeasterly along Phyllis Edwards line (PB 64/181), thence southeasterly along Barnes View S/D (PB 64/101) thence northeasterly following "Old Buffalo Creek", a parcel owned by Creekside Land Development Corporation (DR 2691/428) to where it runs into Buffalo Creek, thence in a southeasterly direction following Buffalo Creek to its intersection with (Parcel #16K03031); thence southerly along this line to its intersection with Creekside S/D (Section 9B); from this point continuing in a northeasterly direction along the property line of (Parcel #16K03031) to its intersection with Buffalo Creek; thence southerly along Buffalo Creek to its intersection with Creekside S/D, Section 6 (PB 54/201) and (Parcel #16K04022A); thence following the Creekside S/D Boundary line to a point at its intersection with (Parcel #16K04022); thence in an easterly direction following the perimeter of this parcel to its intersection with the centerline of Covered Bridge Road (SR 1700); thence in an easterly direction along the centerline of Covered Bridge Road to its intersection with (Parcel # 16K04021A); thence southeasterly along this property line to its intersection with Tafton S/D Phase 2 (PB 59/495); thence in an easterly direction along this line to its intersection with Buffalo Creek; thence, in a southeasterly direction along Buffalo Creek to its intersection with Wyndfall S/D section 5 (PB 64/273), (Parcel # 16J04047O); thence in a southwesterly direction following this property line to a point on the centerline of Carrie Drive; thence southeast along this centerline and continuing to follow (Parcel #16J04047O) to its intersection with Buffalo Creek; thence following Buffalo Creek in a southwesterly direction to its intersection with Hog Pen Branch, thence northwesterly following Hog Pen Branch (Edenton S/D, PB 73/54), (PB 55/270), (PB 58/127) to a point on the centerline of Buffalo Road (SR 1003); thence, southeasterly along Buffalo Road (SR 1003); Thence southwesterly and following Horseman's Run S/D (PB 44/237) and (PB 41/383), thence southwesterly along Jerry Pace's line (DB 883/277) to a point on Tim's Creek (PB 25/221); thence in a northeasterly direction along Tim's Creek to its intersection with (Parcel # 16J03049); thence in a westerly direction along this property line to a point at the intersection of Mineral Springs Branch (PB 25/221) and (Parcel # 16J03050B); thence in a southerly direction following this line to a point where it intersects with (Parcel # 16J03053B); thence in a westerly

direction to its intersection with (Parcel # 16J04011A); thence in a southerly direction to its intersection with (Parcel #16J04011P); thence continuing in a southerly direction and around (Parcel #16J04011P) to its intersection with Sandy Creek Drive; thence in a westerly direction, including all of Sandy Creek Drive, to the centerline of South Murphrey Road (SR 1703); thence northeasterly along the centerline to an intersection with (Parcel #16J04010); thence westerly to an intersection with (Parcel #16P99041D); thence continuing westerly to an intersection with (Parcel # 16J03059); thence southerly to the intersection of (Parcel #16J04009) and (Parcel #16J04007); thence in a westerly direction along Phillip Barnes Property (Parcel #16J04009) to its intersection with (Parcel # 16J04009A); thence in a southerly direction to a point on (PN # 16J04008) and including all of (PN # 16J04009A and 16J04008); from the corner of (PN # 16J04008) to its intersection with the centerline of Castleberry Road (SR 1705); thence in a southwesterly direction along this centerline to an intersection with Plantation Point Phase 5(DB 1878/444); thence southeasterly along this line to a point centerline in a southwesterly direction to its intersection with Lot # 230 (PN # 16J04007F) of Plantation Point S/D Section 5; thence in a south westerly direction to an intersection with (PN # 16J04005); thence following this property line in a southeasterly direction to its intersection with Watson's Mill S/D (PB 73/349), (PB 63/241) to a point at River Bend S/D(PB 31/143), thence in a southeasterly direction following the River Bend S/D line; thence following River Bend S/D to a point, thence northwesterly along River Bend S/D to a point on the centerline of Castleberry Road(SR 1705); Thence following the centerline of Castleberry Road(SR 1705) in a northeasterly direction at a point in the centerline, thence in a northwesterly direction along William Holloway's line(DB 3167/343) to a point on a creek adjoining Riverwood S/D (PB 47/167) thence along this line(Perry Creek) in northeasterly direction and continuing along Perry Creek (PB 57/436), thence northeasterly along Perry Creek James Allen's line DB(595/217) to a point at the intersection of Phillip Barnes line (PR 16J03060), thence southeasterly following his property line to a point at the centerline of Castleberry Road(SR 1705), thence northeasterly along Castleberry Road to a point with the intersection of J.T. Smith's line(PN 16J03057), (DB 1448/893), thence northwesterly along Smith's line to its intersection with Charles Johnson's line (PR 16J03056),(DB 978/679), thence with Johnson's line in a northwesterly to its intersection with Phillip H. Barnes property(PR 16J03063),(DB 3304/201), thence westerly and southwesterly along Phillip H. Barnes property(PN 16J03062), (DB 3304/201) to a point on James Allen's line(DB (595/217), thence westerly along James Allen's line where it intersects with Perry Creek., thence in a southwesterly direction along Perry Creek to an intersection with Elizabeth Badgett's line (PB 57/436), thence northwesterly along Badgett's line to a point on the centerline of Loop Road(SR 1706; Thence in a northeasterly direction along the centerline of Loop Road(SR 1706) to a point where lot #1 of Mooneyham Estates(PB 33/231) intersects with Loop Road, thence in a northwesterly direction along lot #1 of Mooneyham Estates, thence in a northeasterly direction along lot #1 (PB 33/321) to a point in the eastern right-of-way of a existing 50' access easement, thence northeasterly along this easement to an Intersection in the line of Cooper FarmsS/D(PB 54/267), (PB 45/141), thence following Cooper Farms S/D to its intersection with Saddlebrook S/D(PB 23/127), thence northeasterly along the Saddlebrook S/D line to its intersection with Millstone Manor S/D(PB 35/77), thence following this line southwesterly thence northeasterly to its intersection with the centerline of Covered Bridge Road(SR 1700) at its Point of Beginning.

Section 2-2. Electoral district boundaries. Until modified in accordance with law, the Town of Archer Lodge shall have one (1) electoral district, comprising the entire Town of Archer Lodge.

ARTICLE III: GOVERNING BODY

Section 3.1 Structure of Governing Body; Number of Members. The governing body of the Town of Archer Lodge is the Town Council and the Mayor. The Council has five (5) members.

Section 3.2 Temporary Officers. Until members of the Council are elected in 2011 in accordance with Section 4.1 of the Town Charter and the laws of North Carolina, Jeff Barnes, Clyde Castleberry, Matt Mulhollem, John Perry and Anne Taylor are appointed to serve as the interim Council, and Mike Gordon is appointed the interim Mayor. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this Charter is unable to serve, the remaining interim Council members shall, by a majority vote, appoint a person to serve until the initial municipal election is held in 2009.

Section 3.3 Manner of Electing Council; Term of Office. The qualified voters of the entire Town shall elect the members of the Council. Except as provided in this section, they shall serve four-year terms. In 2011, five (5) members of the Council shall be elected. The three persons receiving the highest number of votes shall be elected to four-year terms and the two persons receiving the next highest votes shall be elected to two-year terms. In 2013, and quadrennially thereafter, two members shall be elected to four-year terms. In 2015, and quadrennially thereafter, three members shall be elected to four-year terms. Vacancies on the Town Council shall be filled in accordance with G.S. 160A-63.

Section 3.4 Manner of Electing Mayor; Term of Office; Duties. The qualified voters of the entire town shall elect the Mayor. In 2011, the Mayor shall be elected for a term of four years. The Mayor shall attend and preside over meetings of the Town Council, shall advise the Town Council from time to time as to matters involving the Town of Archer Lodge. The Mayor may only vote on matters before the Council in order to break a tie.

Section 3.5 Manner of Electing Mayor Pro Tempore; Term of Office; Duties. The Mayor Pro Tempore shall be elected from among the members of the Town Council at the first organizational meeting after incorporation and shall serve for a term of two years. The Mayor Pro Tempore shall act in the absence or disability of the Mayor. If the Mayor and Mayor Pro Tempore are both absent from a meeting of the Town Council, the members of the Town Council present may elect a temporary chairman to preside in the absence. The Mayor Pro Tempore shall have the right to vote on all matters before the Town Council and shall be considered a member of the Town Council for all purposes.

Section 3.6 Compensation of Mayor and Town Council.

The Mayor and members of the Town Council may be reimbursed for ordinary and necessary expenses.

ARTICLE IV: ELECTIONS.

Section 4.1 Conduct of Town Elections. Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

Section 4.2 Date of Election. Elections shall be conducted in accordance with Chapter 163 of the General Statutes, except that the first election shall be held on November 3, 2009.

Section 4.3 Special Elections and Referenda. Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

ARTICLE V: FORM OF GOVERNMENT

Section 5.1 Form of Government. Town to operate under mayor-council plan. The Town of Archer Lodge operates under the mayor-council plan as provided in G.S. Chapter 160A, Article 7, Part 3.

ARTICLE VI: TAXES AND BUDGET

Section 6.1 Powers of the Town Council. The Town Council may levy those taxes and fees authorized by general law. An affirmative vote equal to a majority of all the members of the Town Council shall be required to change the ad valorem tax rate from the rate established during the prior fiscal year.

Section 6.2 Budget. From and after January 1, 2009, the citizens and property in the Town of Archer Lodge shall be subject to municipal taxes levied for the year beginning January 1, 2009, and for that purpose the Town shall obtain from Johnston County a record of property in the area herein incorporated which was listed for taxes as of January 1, 2009, and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license ordinance. For fiscal year 2009, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2009.

The Town may adopt a budget ordinance for fiscal year 2009 without following the timetable in the Local Government Budget and Fiscal Control Act.

Section 6.3 Present Use Value. If an area described in this Ordinance includes agricultural land, horticultural land, or forestland that on the effective date of incorporation is land that is being taxed at present-use value, the land shall continue to be valued for tax purposes at present-use value as long as the land so qualifies.

ARTICLE VII: ORDINANCES.

Section 7.1 Ordinances. Except as otherwise provided in this Charter, the Town of Archer Lodge is authorized to adopt such ordinances as the Town Council deems necessary for the governance of the Town.

ARTICLE VIII: MISCELLANEOUS.

Section 8.1 Conflicts of Interest. No person, or member of the person's immediate family, who is employed by or is an official, appointed or elected, of the Town of Archer Lodge, shall do business with the Town unless such activity is approved by the Town Council. All officials of the Town shall inform the Town Council of any conflicts of interest, and the failure to so inform shall constitute grounds for immediate dismissal or removal for cause. No official of the Town may accept any gratuity from any business person, or other official if the gratuity is related to his or her official duties.

Section 8.2 Enlargement of Town Council. The qualified voters of the Town of Archer Lodge may seek to enlarge the number of members of the Town Council by submitting a petition to that effect signed by twenty percent (20%) of the qualified voters. Upon passage of a resolution as provided in G.S. 160A-102 or upon receipt of a valid petition, the Town Council shall immediately take steps as provided in Part 4 of Article 5 of Chapter 160A of the General Statutes to determine by referendum whether the number of members of the Town Council should be increased. If a majority of the votes cast in the referendum are in the affirmative, a special election shall be held at the earliest possible date to elect the additional members required to enlarge the Town Council to the number set forth in the referendum.

Section 8.3 Provision of Services and Administration of Functions. The Town Council may enter into agreements with other governmental bodies and private enterprises for the provision of services and the administration of corporate functions in order to provide the services and administer the functions in the most efficient and cost-effective manner.

This act is effective when it becomes law.

In the General Assembly read three times and ratified this the ____ day of _____, 2009.

Walter H. Dalton
President of the Senate

Joe Hackney
Speaker of the House of Representatives

**APPENDIX TO PETITION FOR MUNICIPAL INCORPORATION
N.C.G.S. § 120-163**

In addition to the information contained on the face of the Petition, in accordance with N.C.G.S. § 120-163, the following information is submitted for the consideration of the Joint Legislative Commission on Municipal Incorporation:

1. The proposed Charter is attached hereto, which includes a description of the proposed type of government, interim mayor, interim council, and manner of elections.
2. Statement of estimated population: 3,192.*
3. Assessed valuation: \$201,639,190.00**
4. Degree of Development: 9.1 square miles X 640 acres = 5,597.53 acres. Approximately 2,293 acres are developed.*** Result: 41% degree of development.
5. Population Density: 3,192/9.1 sq.m. = 350 people per square mile*

*Source: Johnston County Geographic Information Services

**Source: Johnston County Office of Tax Administration

***Source: Johnston County Planning



ARCHER LODGE MUNICIPAL EXPLORATORY COMMITTEE

1029 Wendell Rd. • Wendell, NC 27591

Carlton Vinson, President
John Perry, Vice-President
Mark Jackson, Treasurer

Jeff Barnes	Lisa Barnes
Jim Becker	Robert T. Boyette
Clyde Castleberry	Saundra Freeman
Yvonne Futterer	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Mat Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

The needs of a town to meet the financial obligations of providing services to its citizens is vital. Taking part in state shared revenues is an integral part of meeting these obligations. The State of North Carolina has determined that, in order to take part in state shared revenues, a town must have an ad valorem tax of at least \$.05 per \$100.00 of valuation upon all taxable property within its corporate limits.

In accordance with the North Carolina General Statutes, specifically G.S. 120-163 (c), the proposed Town of Archer Lodge will have and ad valorem tax of at least \$.05 per \$100 of valuation upon all taxable property within its corporate limits.

Johnston County Board of Elections

P.O. Box 1172 • Smithfield, NC 27577 • (919) 989-5095 • Fax (919) 989-5142

Gordon C. Woodruff,
Chairman

Lina Sanders-Johnson,
Secretary



Pattie B. Proctor,
Member

Leigh Anne Price,
Director

November 10, 2008

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee
101 Bristol Circle
Clayton, NC 27527

Dear Carlton:

Pursuant to GS 120-163, I hereby certify that the attached petition for PETITION FOR MUNICIPAL INCORPORATION ARCHER LODGE has been checked against the registration records for the JOHNSTON COUNTY BOARD OF ELECTIONS and those 1,067 names of qualified registered voters were found affixed thereto.

I hereby certify that as of November 10, 2008 the proposed incorporated area referred to as the Town of Archer Lodge has been established, pursuant to GS 120-163(b) to hold 2,944 registered voters.

Sincerely,

A handwritten signature in black ink, which appears to read "Leigh Anne Price". The signature is written in a cursive, flowing style.

Leigh Anne Price
Director



ARCHER LODGE MUNICIPAL EXPLORATORY COMMITTEE

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Clyde Castleberry	Sandra Freeman
Yvonne Futteler	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulholland
Lisa Perry	Anne Taylor
	Brian Taylor

Certificate of Mailing

This is to certify that the undersigned has on or before this date served the attached letter upon all parties to this cause by depositing a copy hereof, postage pre-paid in the United States Certified Mail, properly addressed to each said party as follows:

Johnston County Board of Commissioners
Cookie Pope, Chairman
Courthouse - B-206
207 E. Johnston Street
Smithfield, NC 27577

The Honorable Jody L. McLeod, Mayor
Town of Clayton
111 E. Second Street
Clayton, NC 27520

The Honorable William Massengill, Mayor
Town of Benson
211 West Main Street
Benson, NC 27504

The Honorable Linwood Parker, Mayor
Town of Four Oaks
Post Office Box 610
Four Oaks, North Carolina 27524

The Honorable Herbert L. Hales, II, Mayor
Town of Kenly
P.O. Box 519
Kenly, NC 27542

The Honorable Charles E. Hester, Mayor
Town of Selma
100 North Raiford Street
Selma, NC 27576

The Honorable Norman Johnson, Mayor
Town of Smithfield
PO Box 761
Smithfield, NC 27577

The Honorable Donald Rains, Mayor
Town of Princeton
PO Box 67
Princeton, North Carolina 27569

The Honorable Peter Holt Wilson
Town of Wilson's Mills
P. O. Box 24
Wilson's Mills, NC 27529

The Honorable Jay Jeff Holt, Mayor
Town of Pine Level
214 N. Peedin Ave.
Pine Level, NC 27568

The Honorable Earl E. Jones, Mayor
Town of Micro
112 W. Main St.
Micro, NC 27555

The Honorable J. Harold Broadwell, II, Mayor
Town of Wendell
15 East Fourth Street • P.O. Box 828
Wendell, NC 27591-0828

This the 18th day of November, 2008

By: _____

Wanda P. Lewis
Notary Public
2-4-11



**ARCHER LODGE MUNICIPAL
EXPLORATORY COMMITTEE**

1029 Wendell Rd. • Wendell, NC 27591

Carlton Vinson, President
John Perry, Vice-President
Mark Jackson, Treasurer

Jeff Barnes	Lisa Barnes
Jim Becker	Robert T. Boyette
Clyde Castleberry	Sandra Freeman
Yvonne Fuller	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

Certificate of Mailing

This is to certify that the undersigned has on this date served the attached letter upon all parties to this cause by depositing a copy hereof, postage pre-paid in the United States Certified Mail, properly addressed to each said party as follows:

The Honorable Robert S. Matheny, Mayor
Town of Zebulon
100 N. Arendell Avenue
Zebulon, NC 27597

This the 29th day of January, 2009

By: _____

Wanda P. Lewis 2-4-11
Notary Public

**ARCHER LODGE MUNICIPAL
EXPLORATORY COMMITTEE**

1029 Wendell Rd. • Wendell, NC 27591



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Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

Johnston County Board of Commissioners

Cookie Pope, Chairman

Wade M. Stewart, Vice-Chairman

DeVan Barbour

Tony Braswell

Jeffrey P. Carver

Allen L. Mims, Jr

W. Ray Woodall

Dear Commissioners,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In accordance with North Carolina General Statute 120-164, we are pleased to inform you that on or before November 26, 2008 the Archer Lodge Municipal Exploratory Committee will be submitting our petition to the Joint Legislative Commission for Municipal Incorporation.

Thank you for your on-going support of the Archer Lodge community in our efforts to provide the very best for the citizens of our community by exercising our right to self-determination and self-governance. We look forward to becoming another proud Johnston County municipality.

Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



ARCHER LODGE MUNICIPAL EXPLORATORY COMMITTEE

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	Brian Taylor

November 18, 2008

The Honorable Jody L. McLeod, Mayor
Town of Clayton
111 E. Second Street
Clayton, NC 27520

Dear Mayor McLeod,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In accordance with North Carolina General Statute 120-164, we are pleased to inform you that on or before November 26, 2008 the Archer Lodge Municipal Exploratory Committee will be submitting our petition to the Joint Legislative Commission for Municipal Incorporation.

Thank you for your support of the Archer Lodge community in our efforts to provide the very best for the citizens of our community by exercising our right to self-determination and self-governance. We look forward to joining you as a proud Johnston County municipality.

Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



ARCHER LODGE MUNICIPAL EXPLORATORY COMMITTEE

1029 Wendell Rd. • Wendell, NC 27591

Carlton Vinson, President
John Perry, Vice-President
Mark Jackson, Treasurer

Jeff Barnes	Lisa Barnes
Jim Becker	Robert T. Boyette
Clyde Castleberry	Sandra Freeman
Yvonne Futterer	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable William Massengill, Mayor
Town of Benson
211 West Main Street
Benson, NC 27504

Dear Mayor Massengill,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Linwood Parker, Mayor
Town of Four Oaks
Post Office Box 610
Four Oaks, North Carolina 27524

Dear Mayor Parker,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Archer Lodge Municipal Exploratory Committee



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Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Herbert L. Hales, II, Mayor
Town of Kenly
P.O. Box 519
Kenly, NC 27542

Dear Mayor Hales,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



**ARCHER LODGE MUNICIPAL
EXPLORATORY COMMITTEE**
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Jim Becker	Robert T. Boyette
Clyde Castleberry	Sandra Freeman
Yvonne Fuller	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Charles E. Hester, Mayor
Town of Selma
100 North Raiford Street
Selma, NC 27576

Dear Mayor Hester,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Archer Lodge Municipal Exploratory Committee



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Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhallem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Norman Johnson, Mayor
Town of Smithfield
PO Box 761
Smithfield, NC 27577

Dear Mayor Johnson,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Archer Lodge Municipal Exploratory Committee



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Clyde Castleberry	Saundra Freeman
Yvonne Fullerer	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Donald Rains, Mayor
Town of Princeton
PO Box 67
Princeton, North Carolina 27569

Dear Mayor Rains,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

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Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



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Clyde Castleberry	Sandra Freeman
Yvonne Fullerer	Mike Gordon
Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Peter Holt Wilson
Town of Wilson's Mills
P. O. Box 24
Wilson's Mills, NC 27529

Dear Mayor Wilson,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In accordance with North Carolina General Statute 120-164, we are pleased to inform you that on or before November 26, 2008 the Archer Lodge Municipal Exploratory Committee will be submitting our petition to the Joint Legislative Commission for Municipal Incorporation.

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Sincerely yours,

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Archer Lodge Municipal Exploratory Committee



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Clyde Costleberry	Sandra Freeman
Yvonne Futterer	Mike Gordon
Susan Hamison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Jay Jeff Holt, Mayor
Town of Pine Level
214 N. Peedin Ave.
Pine Level, NC 27568

Dear Mayor Holt,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In accordance with North Carolina General Statute 120-164, we are pleased to inform you that on or before November 26, 2008 the Archer Lodge Municipal Exploratory Committee will be submitting our petition to the Joint Legislative Commission for Municipal Incorporation.

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Sincerely yours,

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Archer Lodge Municipal Exploratory Committee



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Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

October 30, 2008

The Honorable J. Harold Broadwell, II, Mayor
Town of Wendell
15 East Fourth Street • P.O. Box 828
Wendell, NC 27591-0828

Dear Mayor Broadwell,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

Over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality. In existence for nearly 160 years, our great community of Archer Lodge is widely recognized within Johnston County and beyond its borders as a place reflective of our area's proud rural heritage where active community citizens cherish their role of serving one another. More than a dozen years ago the Smithfield Herald declared, "Archer Lodge isn't a town, but it sure acts like one."

Since that time the growth that our area has witnessed as a whole, coupled with a wish to take full advantage of the benefits of self-governance that municipalities like Wendell enjoy, has instilled in our citizens the desire to seek formal incorporation from the North Carolina General Assembly. With our petition numbers already at nearly three times the number required for submission to the Legislature, it is obvious that our committee was correct in pursuing this ambitious course.

Within the next 30 days, ALMEC will be submitting our petition to the Joint Legislative Commission on Municipal Incorporation. Though our incorporation will have little or no effect on Wendell, among our greatest wishes is to include an official resolution or letter of support from nearby municipalities, including the Town of Wendell. We hope you will take this up at the next meeting of your Town Council so that we may have your response to include with our submission on November 15. If I or any of the members of the Archer Lodge Municipal Exploratory Committee can answer any questions, please do not hesitate to call me at 919-422-8911.

Thank you for your consideration. We look forward to hearing from you and joining you as a proud North Carolina municipality.

Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



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Susan Harrison	Andy Holland
Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

November 18, 2008

The Honorable Earl E. Jones, Mayor
Town of Micro
112 W. Main St.
Micro, NC 27555

Dear Mayor Jones,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

As you aware, over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In accordance with North Carolina General Statute 120-164, we are pleased to inform you that on or before November 26, 2008 the Archer Lodge Municipal Exploratory Committee will be submitting our petition to the Joint Legislative Commission for Municipal Incorporation.

Thank you for your support of the Archer Lodge community in our efforts to provide the very best for the citizens of our community by exercising our right to self-determination and self-governance. We look forward to joining you as a proud Johnston County municipality.

Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee



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Penny Mitchell	Matt Mulhollem
Lisa Perry	Anne Taylor
	Brian Taylor

The Honorable Robert S. Matheny, Mayor
Town of Zebulon
100 N. Arendell Avenue
Zebulon, NC 27597

Dear Mayor Matheny,

Greetings from the Archer Lodge Municipal Exploratory Committee and the citizens of the proposed Town of Archer Lodge.

Over the past two years our committee has been working diligently to first determine our community's desire to seek municipal incorporation and, having established an overwhelming such desire, to follow through with the process of ultimately becoming Johnston County's newest municipality.

In existence for nearly 160 years, our great community of Archer Lodge is widely recognized within Johnston County and beyond its borders as a place reflective of our area's proud rural heritage where active community citizens cherish their role of serving one another. More than a dozen years ago the Smithfield Herald declared, "Archer Lodge isn't a town, but it sure acts like one."

Since that time the growth that our area has witnessed as a whole, coupled with a wish to take full advantage of the benefits of self-governance that municipalities like Zebulon enjoy, has instilled in our citizens the desire to seek formal incorporation from the North Carolina General Assembly. With our petition numbers already at nearly three times the number required for submission to the Legislature, it is obvious that our committee was correct in pursuing this ambitious course.

Within the next 30 days, ALMEC will be submitting our petition to the Joint Legislative Commission on Municipal Incorporation. Though our incorporation will have little or no effect on Zebulon, among our greatest wishes is to include an official resolution or letter of support from the other nearby municipalities, including the Town of Zebulon. We hope you will take this up at the next meeting of your Town Council so that we may have your response to include with our submission on November 15. If I or any of the members of the Archer Lodge Municipal Exploratory Committee can answer any questions, please do not hesitate to call me at 919-422-8911.

Thank you for your consideration. We look forward to hearing from you and joining you as a proud North Carolina municipality.

Sincerely yours,

R. Carlton Vinson, President
Archer Lodge Municipal Exploratory Committee

4CL

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NOTICE OF INTENT TO FILE A PETITION FOR MUNICIPAL INCORPORATION

In accordance with North Carolina General Statute 166-144, the Archer Lodge Municipal Exploratory Committee will file a Petition for Municipal Incorporation with the Joint Legislative Committee for Municipal Incorporation on November 5, 2008 on behalf of the proposed Town of Archer Lodge. Questions regarding this Petition may be directed to Catherine Wilson, President Archer Lodge Municipal Exploratory Committee, 1000 Wendell Road, Wendell, NC 27591.

54: November 5, 12, 2008

The Herald, Wednesday, November 12, 2008

NOTICE OF PUBLIC HEARING

The Board of Commissioners will meet on Tuesday, November 18, 2008 at 9:00 a.m. in the Board of Commissioners Meeting Room in the Courthouse Annex, 100 North Salisbury Street, Salisbury, NC 28134. The purpose of the meeting is to hear public comment on the following business as presented during the meeting.

0759: Special Use Permit: A request has been received to modify the Special Use Permit as follows: The applicant, Alex Properties, LLC, is requesting a Special Use Permit to allow for a landscape company to install, maintain, materials and supplies, and a request for a Special Use Permit to lease-to-own the property, which is currently operating as a landscape company, for use as a building for church worship services and associated activities. Property is located at 473 Swanton Road (SR 539) in Pleasant Grove Township.

0760: Alex Properties, LLC
Alex Properties, LLC
Alex Properties, LLC

0761: Site Plan Modification: A request has been received to modify the Site Plan requirement as follows: The applicant, Paramount Development Corporation, is requesting a Site Plan Modification to allow for a Walmart commercial shopping center to be located on the south. The applicant agreed to provide access to the south sufficient to meet fire department needs. The applicant is hereby requesting the Board(s) consider an alternate solution based on the site plan and existing conditions, specifically the proposed Cleveland Crossing Drive which has access to the development. Property is located near its intersection with I-40 in Cleveland County.

02017T
Paramount Development Corporation
(Applicant)
Walmart Real Estate Business Trust

legals	legals	legals	legals	legals
 <p>Combined by STATE</p>				

INITIAL REPORT

Assessment of Petition

By

The Town of Archer Lodge
(Johnston County)

For The

Incorporation

Relative to NC G.S. 120-163 and NC G.S. 120-164

By

North Carolina Department of Commerce
Division of Community Assistance



The Division of Community Assistance staff has reviewed the petition for incorporation from the proposed Town of Archer Lodge as it relates to NC G.S. 120-163 and NC G.S. 120-164. These sections of the General Statutes refer to the petition and notification requirements. The requirements of these sections have been satisfied as described below.

G.S. 120-163 (a) requires that a petition be signed by 15% of the registered voters (but by not less than 25 voters) in the area proposed for incorporation. The proposed Town of Archer Lodge has submitted a petition with the required signatures. According to the letter from the Johnston County Board of Elections, 1,067 of 2,944 (36 percent) registered voters have signed the petition.

G.S. 120-163 (b) requires that "the petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt." G.S. 120-163 (d) requires that the petitioners must present to the Commission the verified petition from the county board of elections. The Johnston County Board of Elections has verified the Town of Archer Lodge petition.

G.S. 120-163 (c) requires that the petition must include a number of items.

These are:

- A proposed name for the city. The petition of the Town of Archer Lodge does include a proposed name, "Town of Archer Lodge".
- A map of the city. The petition of the Town of Archer Lodge does include a map.
- A list of at least 4 services to be provided by the proposed municipality by the 3rd fiscal year. The petition of the Town of Archer Lodge does include a list of 4 proposed services.
- The names of three persons to serve as the interim governing board. The petition of the Town of Archer Lodge includes the names of six persons to serve as the interim council.
- A proposed charter. The petition of the Town of Archer Lodge does include a proposed charter.
- A statement of the estimated population and population density. The petition of the Town of Archer Lodge does include a statement of the estimated population and population density.
- Assessed valuation. The petition of the Town of Archer Lodge does include a statement on the assessed value of property in the area proposed to be incorporated.
- Degree of development. The petition of the Town of Archer Lodge does include a statement on the degree of development.

- Recommendations as to the form of government and manner of election. The petition of the Town of Archer Lodge does include recommendations as to the form of government and manner of election.
- Budget ordinance with an ad valorem tax levy of at least \$.05 per \$100.00 valuation. The petition for the Town of Archer Lodge does include the required statement on tax levy.

According to G.S. 120-163, the proposed municipality may not contain any non-contiguous areas. Based upon the map submitted with the petition, the proposed boundaries of the Town of Archer Lodge do not contain any non-contiguous areas.

According to G.S. 120-164(a), not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located.
- (2) All cities within that county or counties.
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

The petition includes copies of the notification letters mailed to Johnston County, all the municipalities within Johnston County (Benson, Clayton, Four Oaks, Kenly, Micro, Pine Level, Princeton, Selma, Smithfield, Wilson's Mills and Zebulon), and all the municipalities in any other county that are within five (5) miles of the proposed Town (none). Therefore, all required notification letters were sent.

According to G.S. 120-164(b), petitioners shall also publish, one per week for two consecutive weeks, with the second publication appearing no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

The required notifications were published in The Herald (Clayton-Cleveland) newspaper on November 5, 2008 and November 12, 2008, as evidenced by copies of the publications presented with the petition.

PHASE I REPORT

Assessment of Petition

By

**The Town of Archer Lodge
(Johnston County)**

For

Incorporation

Relative to NC G.S. 120-166.

By

**North Carolina Department of Commerce
Division of Community Assistance**



The Division of Community Assistance staff has reviewed the petition for incorporation from Archer Lodge as it relates to NC G.S. 120-166.1 Subsection (a) of that section establishes criteria based upon the nearness of the proposed new town to existing municipalities and their respective populations. The statute requires that the population values be in accordance with the most recent decennial federal census or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,999
5 miles	50,000 and over

There are no municipalities within 5 miles of the proposed boundaries of Archer Lodge with a population of 50,000 and over. The Town of Wilson's Mills (population 1,675) is within 4 miles of the proposed boundaries of Archer Lodge, but does not meet the threshold set in G.S. 120-166(a). The Town of Clayton (population 12,908) is within 3 miles of the proposed boundaries of Archer Lodge, and does meet the threshold set in G.S. 120-166(a). There are no municipalities within 1 mile of the proposed boundaries of Archer Lodge that meet the threshold set in G.S. 120-166(a).

The proposed Town of Archer Lodge is not entirely on an island, and therefore subsection (b)(1) does not apply. Archer Lodge is not separated by a major river or other natural barrier from nearby municipalities, and therefore subsection (b)(2) does not apply. The petition indicated no evidence that subsection (b)(4) applies (a petition for annexation to a nearby city that was not approved). The proposed municipality is located within 3 miles of the Town of Clayton (a municipality within the distance and having the population described in G.S. 120-166(a)), and therefore subsection (b) (3) does apply. On March 2, 2009, the Town of Clayton adopted a resolution expressly approving the incorporation of the proposed Town Archer Lodge.

The Commission is not precluded from making a positive recommendation on the petition for incorporation of the proposed Town of Archer Lodge as it relates to G.S. 120-166.

Methodology and Information Sources:

The proposed boundary of the Town of Archer Lodge is estimated based on the boundary description and the boundary map presented with the petition. The boundary for existing municipalities was determined from the most recent digital data available provided by the Johnston County GIS Department. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The buffer area around Archer Lodge shows on the attached map, municipalities that are within 1, 3, 4, and 5 miles of the proposed municipality boundary and were calculated using ArcGIS software. The population estimates for the nearby municipalities are based on the most recent (2000) decennial census or most recent estimates (July, 2007) of the NC Office of State Budget and Management, State Demographics web site (<http://demog.state.nc.us/>).

Note: 1

§ 120-166. Additional criteria; nearness to another municipality.

- (a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.
- (b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:
- (1) The proposed municipality is entirely on an island that the nearby city is not on;
 - (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
 - (3) The nearby municipality by resolution expresses its approval of the incorporation; or
 - (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

**TOWN OF CLAYTON
RESOLUTION REGARDING ESTABLISHMENT OF THE
ARCHER LODGE COMMUNITY AS A MUNICIPAL CORPORATION**

WHEREAS, the Town of Clayton understands the importance of self-government in local communities and the value that municipal services provide to the quality of life and the economic wellbeing of citizens and businesses; and

WHEREAS, the Town of Clayton is aware of the long history and unique character of the Archer Lodge community and the desire of the citizens of that community to organize itself as an independent, legally establish municipal corporation; and

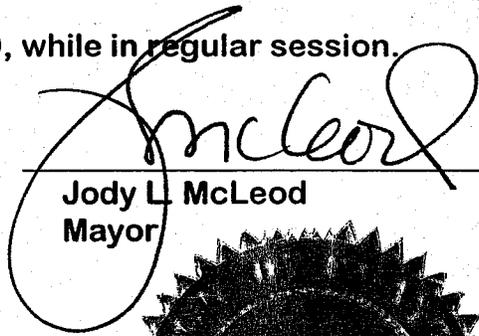
WHEREAS, the Town of Clayton recognizes the "good neighbors" that the citizens of the Archer Lodge community have been to Clayton and the surrounding areas and that likewise the Town of Clayton wishes to demonstrate good will and a spirit of cooperation with our neighboring community; and

WHEREAS, it is the understanding of the Town of Clayton that the citizens of the Archer Lodge community wish to incorporate as a legally established municipality under the laws of the State of North Carolina in order to operate as a municipal service provider; and

WHEREAS, the leadership of the Archer Lodge Municipal Exploratory Committee have expressed the intent to provide services to the citizens of the Archer Lodge area consistent with the responsibilities unique to municipal corporations.

NOW, THEREFORE, BE IT RESOLVED that the Clayton Town Council expressly endorses the Archer Lodge Municipal Exploratory Committee and stands beside them in their effort seeking municipal incorporation in accordance with North Carolina General Statute 120-164.

Duly adopted this 2nd day of March 2009, while in regular session.

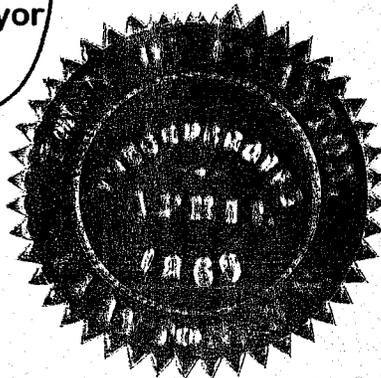


Jody L. McLeod
Mayor

ATTEST:



Sherry L. Scoggins, MMC
Town Clerk



Assessment of Petition
For the Incorporation of the
Proposed Town of Archer Lodge
(Johnston County)

Relative to NC G.S. 120-167 - 120-170

North Carolina Department of Commerce
Division of Community Assistance



Proposed Town of Archer Lodge Phase II Study

The Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the proposed Town of Archer Lodge (see Map A) relative to G.S. 120-167 through G.S. 120-170. The following discussion addresses each of these sections.

G.S. 120-167 Additional criteria; population.

G.S. 120-167 refers to population and requires that a municipality has a permanent population of at least 100 and a population density (permanent and seasonal) of at least 250 persons per square mile. The Johnston County Board of Elections determined that there are 2,944 registered voters living in the proposed Town of Archer Lodge, exceeding the required minimum permanent population. DCA performed a land use analysis of the subject area and identified a total of 1,364 dwelling units. The 2000 US Census Bureau data estimates an average of 2.73 persons per household for the Wilders Township in Johnston County and a housing occupancy rate of 92.8 percent. This suggests that at least 3,455 persons are likely to reside in a total land area of 8.73 square miles. The total population density of the proposed Town of Archer Lodge is 395 persons per square mile (permanent and seasonal). **It appears that G.S. 120-167 is satisfied.** (see Table 1)

Table 1

Population	Totals
Square Miles 5,586.19 (total acreage) divided by 640 (acres per square mile)	8.73
Number of Households (Johnston County GIS Data)	1,364
Occupancy Rate (Johnston County - 2000 Census)	0.928
Persons per Household (Johnston County - Wilders Township - 2000 Census)	2.73
Permanent Population 1,364 (number of households) X 2.73 (persons per HH) X 0.928 (occupancy rate)	3,455
Population per Square Mile 3,455 (permanent pop.) divided by 8.73 (square miles)	395

G.S. 120-168 Additional criteria; development.

G.S. 120-168 refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants."

DCA analyzed available county tax and GIS information, aerial photographs and field survey to determine the degree of development. The land use survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or agricultural parcels were considered "undeveloped." DCA's analysis indicated that 41.33 percent of the subject area, as presently proposed, is developed (see Table 2 and Map A). **It appears that G.S. 120-168 is satisfied.**

Table 2 :
Development Relative to NC G.S. 120-168

Land Use	Acres
Commercial	80.95
Industrial	3.04
Institutional/Governmental/Utilities	77.30
Residential	2,036.43
Restricted Open Space	111.29
Undeveloped	3,277.18
Total acreage	5,586.19
Total Developed Acreage	2,309.01
% Developed	41.33%

G.S. 120-169 Additional criteria; area unincorporated.

G.S. 120-169 requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundaries of the proposed Town of Archer Lodge with the most recently updated Johnston County (GIS) data as well as the North Carolina Department of Transportation (GIS) data and found no evidence that any of the subject area is part of an incorporated municipality. **It appears that G.S. 120-169 is satisfied.**

G.S. 120-169.1 Additional criteria; services.

G.S. 120-169.1(b) requires that the area to be incorporated submit a plan for providing a reasonable level of municipal services. To meet the requirements of this section, the proposed Town of Archer Lodge must propose to provide at least four of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Solid waste collection or disposal.
- 4) Water distribution.
- 5) Street maintenance.
- 6) Street construction or right-of-way acquisition.
- 7) Street lighting.
- 8) Zoning.

The proposed Town of Archer Lodge has submitted a sufficient plan for providing four of the eight services listed above. The proposed Town of Archer Lodge will provide police protection, fire protection, water distribution, and zoning. Police protection will be provided through a contract with the Johnston County Sheriff's Department. Fire protection will be provided by the Archer Lodge Fire Department. Water service will be provided through a contract with the Archer Lodge Water District (ALWD). Zoning will be adopted and administered through an agreement with the Johnston County Planning Department. **It appears that G.S. 120-169.1(b) is satisfied.**

G.S. 120-170 Findings as to services.

G.S. 120-170 requires that the proposed municipality can provide at a reasonable tax rate the services requested by the petition (police protection, fire protection, water distribution, and zoning) and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. The proposed Town of Archer Lodge has proposed a \$0.15/\$100 property tax rate, which would generate the estimated property tax revenue of \$297,921 based on an estimated \$201,639,190 assessed valuation and 98.58 percent collection rate. The proposed services and the cost of the services are as follows: police protection will be provided by contract with the Johnston County Sheriff's Department (\$75,000); fire protection will be provided by the Archer Lodge Fire Department (\$175,000); water service will be provided by contract with the Archer Lodge Water District (\$0); and zoning will be adopted and administered through an agreement with the Johnston County Planning Department (\$28,000). The total annual cost of services the proposed Town of Archer Lodge intends to provide is \$278,000. Upon incorporation, the Town will contract with the ALWD to continue to provide water service. The residents of Archer Lodge will be billed directly by the ALWD, which will also collect the money on behalf of the Town at no additional cost. Therefore, there is no direct cost for water service to the Town. G.S. 120-170 provides that "[i]n making findings under this section, the Commission shall take into account municipal services already being provided." As a result of the types of services the proposed Town of Archer Lodge plans to provide and the manner in which those services would be provided, the proposed \$0.15/\$100 property tax rate appears to be reasonable.

The attached Table 3 provides data on municipalities incorporated since 2000 and compares that information with the proposed tax rate and cost of services proposed by the proposed Town of Archer Lodge. In addition, to give some indication of a comparison of the tax rate proposed by the proposed Town of Archer Lodge and that assessed by other similar municipalities, DCA compared the proposed Town of Archer Lodge with the North Carolina Department of Treasurer 2008 Municipal Financial Profiles for municipal populations between 2,500 to 9,999 persons. The North Carolina Department of Treasurer indicates in its report an average property tax rate for municipal populations between 2,500 to 9,999 persons is \$0.2438/\$100 valuation and average property tax revenue of \$1,707,768 on an average assessed value of \$656,973,664 at an average 97.55 percent collection rate. For the proposed Town of Archer Lodge to generate similar revenues, it would need to levy a property tax rate of \$0.859/\$100 valuation (assuming a total assessment of \$201,639,190 and 98.58 percent collection rate). As stated above, the proposed Town of Archer Lodge can provide the four proposed services at a property tax rate of \$.15/\$100, but would not likely be able to provide additional services without a property tax rate increase. **It appears that G.S. 120-170 is satisfied.**

Conclusion

It appears that the proposed Town of Archer Lodge satisfies the requirements of G.S.120-167 through 120-170.

Information sources:

Petition for Incorporation of the Town of Archer Lodge
2000 US Census (referenced 04/09), <http://www.census.gov/>
Johnston County GIS Department, Parcel Data and Assessment Data
North Carolina Office of State Treasurer (referenced 04/09)
http://ncdst-web2.treasurer.state.nc.us/lgc/units/D_NB.htm

Map A

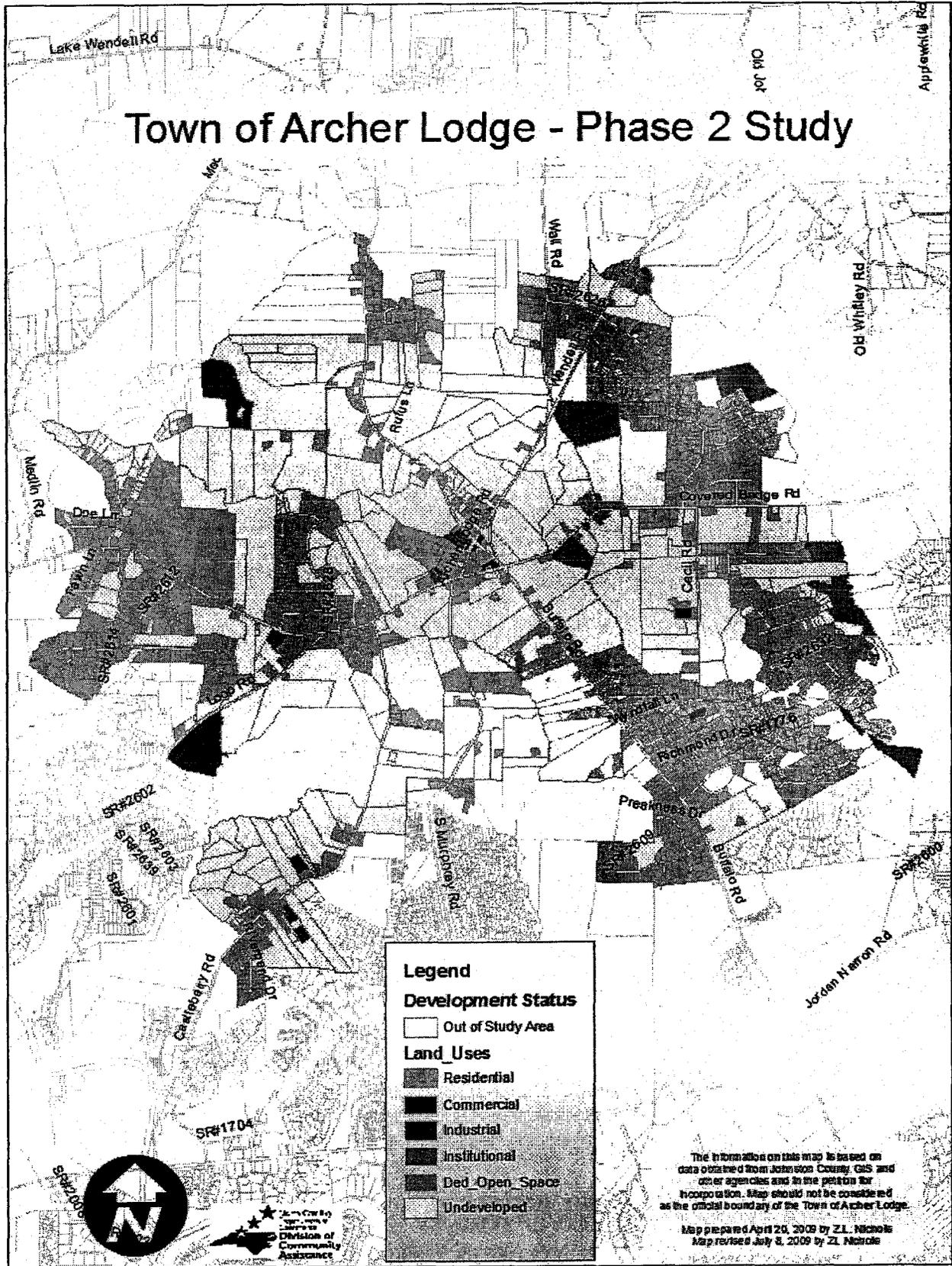


TABLE 3

Financial Comparison of Municipalities Incorporated from 2000 to 2006 (FYE 2008)										
Municipality	Archer Lodge (1)	Ossipee	Midland	Duck	Mills River	Misenheimer	Red Cross	Wallburg	Midway	Fairview (4)
County	Johnston	Alamance	Cabarrus	Dare	Henderson	Stanly	Stanly	Davidson	Davidson	Union
Date of Incorp.		12/09/2002	11/07/2000	05/01/2002	06/24/2003	06/26/2003	08/01/2002	06/29/2004	06/29/2006	01/15/2002
Pop. 11/17/2008 (2)	3,735	470	3,121	507	6,334	677	772	2,918	4,457	4,853
Tax Rate per \$100 (3)	\$ 0.150	\$ 0.075	\$ 0.140	\$ 0.115	\$ 0.075	\$ 0.220	\$ 0.160	\$ 0.050	\$ 0.050	\$ 0.020
2008 Revenues (3)										
Ad valorem	\$ 297,921	\$ 31,170	\$ 404,522	\$ 1,522,929	\$ 614,932	\$ 21,873	\$ 66,890	\$ 118,127	\$ 153,633	\$ 63,714
Local Sales Tax	\$ 154,298	\$ 90,563	\$ 148,855	\$ 645,799	\$ 1,326,205	\$ 111,880	\$ 118,498	\$ 511,058	\$ 771,393	\$ 23,264
Solid Waste fees	-	\$ 15,253	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Street lighting										
Planning/Zoning Fees										
Utility Franchise	\$ 179,000	\$ 17,356	\$ 115,976	\$ 156,748	\$ 338,905	\$ 21,548	\$ 16,832	\$ 89,673	\$ 149,748	\$ 133,712
Powell Bill	\$ -	\$ -	\$ 78,478	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water/Sewer Fees	\$ -	\$ 71,241	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Beer & Wine	\$ 16,800	\$ 2,109	\$ -	\$ 2,253	\$ 11,574	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ 71,077	\$ 7,148	\$ 823,293	\$ 1,576,837	\$ 182,294	\$ 299,066	\$ 5,316	\$ 112,181	\$ -	\$ 41,108
Total 2008 Revenue	\$ 719,096	\$ 234,840	\$ 1,571,124	\$ 3,904,566	\$ 2,473,910	\$ 454,367	\$ 207,536	\$ 831,039	\$ 1,074,774	\$ 261,798
Per capita revenue	\$ 193	\$ 500	\$ 503	\$ 7,701	\$ 391	\$ 671	\$ 269	\$ 285	\$ 241	\$ 54
2008 Expenditures (3)										
General Govt.	\$ 268,765	\$ 63,255	\$ 843,844	\$ 404,130	\$ 3,489,133	\$ 112,425	\$ 12,554	\$ 89,701	\$ 167,485	\$ 86,160
Police	\$ 75,000	\$ -	\$ -	\$ 523,752	\$ 78,598	\$ 250,346	\$ 11,220	\$ -	\$ 74,618	\$ -
Fire	\$ 175,000	\$ 22,303	\$ 153,885	\$ 486,349	\$ 545,320	\$ -	\$ 23,280	\$ -	\$ -	\$ -
Water	\$ -	\$ 60,647	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Solid Waste		\$ 36,265	\$ 155,050	\$ 742,498	\$ -	\$ 14,915	\$ 32,333	\$ -	\$ 40,866	\$ -
Street Maintenance		\$ -	\$ 2,400	\$ 102,147	\$ 5,482	\$ 2,221	\$ -	\$ -	\$ -	\$ -
Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Street lighting		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Zoning	\$ 28,000	\$ -	\$ 11,000	\$ 180,819	\$ 2,848	\$ -	\$ 4,196	\$ 12,000	\$ 1,661	\$ -
Other	\$ 172,331	\$ 11,176	\$ -	\$ 727,440	\$ 24,921	\$ 17,817	\$ -	\$ 314,482	\$ 6,000	\$ 5,000
Total 2008 Expenditures	\$ 719,096	\$ 193,646	\$ 1,166,179	\$ 3,167,135	\$ 4,146,302	\$ 397,724	\$ 83,583	\$ 416,183	\$ 290,630	\$ 91,160
Per capita expenditures	\$ 193	\$ 412	\$ 374	\$ 6,247	\$ 655	\$ 587	\$ 108	\$ 143	\$ 65	\$ 19

Sources:

- (1) Data on Archer Lodge is based on information provided in petition
- (2) Office of State Planning: Population Estimates for July, 2007
- (3) NC Department of State Treasurer: Municipal Annual Financial Information Summary Report for FYE 2008
- (4) Fiscal Year 2007

Note: Data Compiled by NC Division of Community Assistance on June 15, 2009 based on most recent data available from identified sources

1. Sales Tax Revenue Change

Johnston County distributes sales tax revenues on an ad valorem basis. This analysis uses the 2007-08 actual sales tax distribution to show how the distribution would have changed had the town of Archer Lodge been incorporated at that time.

Current					
County	Municipalities	Property Taxes	Ad Valorem %	Sales Tax Distribution	
Johnston		\$91,213,267	84.1%	\$35,374,875	
	Benson	1,139,599	1.1%	479,500	
	Clayton	7,131,417	6.6%	2,154,719	
	Four Oaks	353,799	0.3%	145,339	
	Kenly	602,901	0.6%	261,969	
	Micro	105,466	0.1%	36,136	
	Pine Level	353,972	0.3%	136,886	
	Princeton	287,454	0.3%	110,165	
	Selma	1,869,929	1.7%	628,470	
	Smithfield	5,172,858	4.8%	2,094,249	
	Wilson's Mills	289,223	0.3%	109,410	
	TOTAL	\$108,519,885		\$41,531,717	
With Incorporation					
County	Municipalities	Property Taxes	Ad Valorem %	Sales Tax Distribution	Change
Johnston		\$91,213,267	83.8%	\$34,812,718	(562,157)
	Benson	1,139,599	1.0%	434,943	(44,557)
	Clayton	7,131,417	6.6%	2,721,797	567,078
	Four Oaks	353,799	0.3%	135,032	(10,307)
	Kenly	602,901	0.6%	230,105	(31,864)
	Micro	105,466	0.1%	40,252	4,117
	Pine Level	353,972	0.3%	135,098	(1,788)
	Princeton	287,454	0.3%	109,711	(454)
	Selma	1,869,929	1.7%	713,682	85,213
	Smithfield	5,172,858	4.8%	1,974,288	(119,961)
	Wilson's Mills	289,223	0.3%	110,386	975
	Archer Lodge	297,921	0.3%	113,705	113,705
	TOTAL	\$108,817,806		\$41,531,717	

2. Powell Bill Allocation Change

Annual state street aid (Powell Bill) allocations are made to incorporated municipalities which establish their eligibility and qualify as provided by G.S. 136-41.1 through 136-41.3. The total amount allocated is seventy-five percent (75%) on the basis of relative population and twenty-five percent (25%) on the basis of relative non-State System local street mileage.

For 2007-08, population-based allocations assumed a statewide qualifying municipal population of 4,881,672 and available funds of \$108,800,679. This created a per capita distribution rate of \$22.29.

Adding the population of the proposed town of Archer Lodge to the statewide total creates a new population of 4,885,127 and a new per capita distribution rate of \$22.27. The rate change is too small to have a significant impact on the Powell Bill distributions to other Johnston County municipalities.

The attached report from the Department of Revenue estimates that the town of Archer Lodge would receive \$138,000 in Powell Bill funds based on population. The town plans to maintain streets locally; therefore, an additional allocation based on street miles is included in the amount.

3. Other Revenues

Municipalities receive an amount equal to approximately 3.09% of the gross receipts resulting from the sale of power and light within the respective municipality. In addition, municipalities receive a portion of the telecommunications sales tax and the piped natural gas tax. Municipalities receive a share of the excise tax on beer and wine if they hold a referendum approving the sale of beer and wine within the corporate limits.

The Department of Revenue has estimated the amount of revenue that the town of Archer Lodge would have received in FY 2008-09 from each of these taxes. This information is included in the attached report.

Prepared by:
Brian Slivka, Fiscal Research Division
July 21, 2009

AD VALOREM COUNTIES, 2008-09

Archer Lodge (Johnston County)

POC: Brian Slivka, FRD, NCGA

Total
\$432,000

Total Taxable Property Valuation	\$ 201,639,190
Proposed Property Tax Rate per \$100 valuation	0.15
Estimated Property Tax Levy	\$302,459
Estimated Permanent Resident Population	3,455
Roads - Locally Maintained	<u>35.70</u>

Pro Forma Revenue, Fiscal Year 2008-09

1. Sales & Use *	\$103,000
2. Electric Power Franchise * #	\$135,000
3. Beer & Wine	\$15,000
4. Piped Natural Gas Excise #	\$0
5. Telecommunications Sales *	\$25,000
6. Powell Bill *	\$138,000
7 Video Programming*	<u>\$16,000</u>
TOTAL	\$432,000

* Items 1, 2, 5, 6, and 7 require a minimum tax rate of \$0.05 per \$100 valuation.

The electric power franchise tax distribution is equal to 3.09% of the gross receipts from the sale, within the corporate limits of the municipality, of electricity. The piped natural gas tax distribution to a municipality is one-half of the amount of tax attributable to that municipality.

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